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DEPARTMENT OF TRANSPORTATION

Coast Guard

■

DEEPWATER PORTS

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR 148, 149, 150]

[CGD 75-002]

DEEPWATER PORTS

Notice of Proposed Rule Making

This notice proposes rules for the licensing, design, construction, equipment, and operation of deepwater ports beyond the territorial sea of the United States under the provisions of the Deepwater Port Act of 1974 (the Act). The purposes of the Act are to regulate commerce, promote efficiency in transportation, and protect the environment by establishing procedures for the location, construction, and operation of deepwater ports off the coasts of the United States.

Written comments. Interested persons are invited to participate in this rule making by submitting written data, views, or arguments to the Executive Secretary, Marine Safety Council (G-CMC/82), Room 8234, U.S. Coast Guard, U.S. Department of Transportation, 400 Seventh St. SW., Washington, D.C. 20590. Written comments should include the docket number of this notice, the name and address of the person submitting the comments, and the specific section of the proposal to which each comment is addressed. A separate page for each section commented upon and two or more copies are encouraged. Suggested new or different regulations will be welcome.

Copies of all written comments will be available for examination in Room 8234, Department of Transportation, Nassif Building, 400 Seventh St., SW., Washington, D.C.

Public hearing. A public hearing on this proposal will be held on June 6, 1975, 9:30 a.m., in Room 2232 at the Department of Transportation, Nassif Building, 400 Seventh St. SW., Washington, D.C. to receive written or oral comments from interested persons. The hearing will be conducted by a representative of the Department of Transportation who may apportion the time for presentation. Each person desiring to speak at this hearing is requested to notify the Executive Secretary, Marine Safety Council, of the time needed for his presentation and is encouraged to submit a written copy or summary after the hearing of his oral presentation.

Closing date for comments. All relevant communications received on or before June 23, 1975 will be fully considered before final action is taken on this proposal. This proposal may be changed in light of the comments received; however, acknowledgement of individual comments will not be made.

Availability of comments. Copies of comments received and a tape recording of the public hearing will be available for examination in Room 8234. Copies of comments will be furnished interested persons upon request to the Commandant (G-CMC/82) and payment of the fees prescribed in 49 CFR 7.95.

Draft guidelines. A notice was published in the FEDERAL REGISTER on January 15, 1975 (40 FR 2740) to the effect that drafts of the "Guide to Preparation of Environmental Analyses For Deepwater Ports", "Recommended Procedure for Developing Deepwater Ports Design Criteria", the "Guidelines for Preparation of a Deepwater Port Operations Manual", and "Glossary For Deepwater Ports Environmental Analyses, Design, and Operations Manual Guides" are available for public inspection and comment at Commandant (G-WDWP/61), U.S. Coast Guard, Room 6125, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590.

Draft environmental impact statement. A draft environmental impact statement has been prepared for the rules in this notice that are proposed under section 10(a) of the Act. This draft statement was forwarded to the Council on Environmental Quality on January 3, 1975 (40 FR 2468). Copies of the draft will be available to the public prior to the public hearing on this notice. Individuals may obtain a copy of that draft from the Commandant (G-WDWP/61), U.S. Coast Guard, Washington, D.C. 20590.

Consultation with other federal agencies. In accordance with the Act, the Department of Transportation is consulting with other Federal departments and agencies concerning the promulgation of these regulations.

Background of the proposal. The U.S. does not now have ports deep enough to accommodate the supertankers that are carrying the bulk of the world's oil. Our 35 to 50 foot deep harbors and channels, suitable for post World-War II cargo ships of 40,000 to 70,000 dead weight tons, are largely inaccessible to today's 200,000 to 400,000 dead weight ton VLCC's (*V*ery *L*arge *C*rude *C*arriers) which require water depths of 90 feet or more. Our deepest ports, which are located on the West Coast, are now capable of berthing only 100,000 dead weight ton ships.

This inability to handle VLCC's currently precludes our use of approximately 60 percent of the world's tanker fleet capacity. As a result, supertankers must transfer U.S. bound petroleum into smaller ships for delivery into our harbors or the oil must be transshipped from foreign ports in conventional size tankers. Currently, the U.S. is the only major oil importing nation which cannot accommodate supertankers. Both France and the Netherlands have undertaken dredging and enlargement programs which give them approximately a 10 year advantage over us in the handling of these giant ships. Supertanker ports have also been built in Japan, Ireland, and Italy, among other countries.

This situation may now change, however, as on January 3, 1975, the President signed into law the Deepwater Port Act of 1974, an act which will allow the building of the first port facilities in the United States capable of handling VLCC's.

A "deepwater port" is an oil transfer facility located offshore and beyond the territorial waters of the United States. It is situated in water of sufficient depth to accommodate most of the world's fleet of supertankers.

One type of facility under consideration by potential licensees is the single point mooring buoy system. This system consists of platforms that house pumping stations, control rooms, and crew accommodations. Surrounding the platforms would be Single Port Mooring buoys (SPM's). Underwater pipelines would connect the buoys to the pumping platforms which in turn would be linked to onshore tank farms by one or more steel pipes buried in the seabed.

In the operation of such a facility, a VLCC would moor to one of the buoys, hook up to a floating oil transfer hose, and then either pump its cargo of oil through an underwater pipeline and pumping platform to an onshore facility or receive oil pumped through the oil transfer system from the shore facility. The cargo hoses are attached to the buoys by swivel connections which allow the tanker to "weathervane" 360 degrees to face into the wind, waves, and current while continuing to offload.

To assure that the construction and operation of these deepwater ports will be in the national interest, regulations are proposed for both the construction and operational phases. These proposed regulations provide for the protection of the marine and coastal environment by attempting to prevent or minimize any adverse impact which may occur as a consequence of the development of these ports. These regulations also seek to provide sufficient information for the Secretary of Transportation to make the determinations required by the Act as a precondition to the issuance of a deepwater port license. Some of the major areas covered by the regulations include: personal and financial data required of a prospective deepwater port operator; environmental data to be provided with application for a license to operate a deepwater port; construction standards to be met; operational constraints to be followed; and proposed oil spill prevention measures and operator clean-up capabilities.

Additional regulations will be promulgated in the future concerning, among other things, additional procedures in Part 148 for the amendment, renewal and transfer of licenses, regulations pertaining to site evaluation and preconstruction activities, operating procedures and special equipment and manning requirements for tankers using the port, and the establishment of the liability fund required by section 18 of the Act. Future regulations will be added to Subpart C of Part 150 to prescribe limitations on activities in the safety zone at each deepwater port. The size, shape, and activities to be authorized for each safety zone will be determined on a case-by-case basis pursuant to the provisions of section 10(d) of the Act.

The proposed regulations are generally self-explanatory. However, a few

items have been singled out that were thought to deserve some remarks.

Applications. Section 148.109 prescribes the information required to be submitted in an application for a deepwater port license and for all other Federal authorizations required to construct and operate a deepwater port and associated onshore storage facilities and pipelines connecting the facilities to the port, existing distribution pipelines, and refineries. The application information pertaining to Federal authorizations other than the deepwater port license is required in order to comply with section 5(e)(2) of the Act which provides in part that "[a]n application filed with the Secretary shall constitute an application for all Federal authorizations required for ownership, construction, and operation of a deepwater port. . . ." The information pertaining to other Federal authorizations will be sent to the appropriate Federal departments or agencies for processing, adjudication, and issuance of licenses within the time frames established in section 5 of the Act.

Section 148.109(h) requires an applicant to identify any areas of the seabed that have been leased for mineral exploration under the Submerged Lands Act and the Outer Continental Shelf Lands Act and that, if developed, would interfere with any proposed deepwater port. If a potential conflict exists, the applicant must conclude an agreement with the lessor in which the lessor agrees, if the applicant is granted a license, not to exercise his rights under the lease in any way which will interfere with the port.

Section 148.109(k) requires submission of certain soil data relating to the ocean bottom and sub-bottom throughout the marine site and along the pipeline path to shore. This information is needed to determine whether the soil of the bottom and sub-bottom can hold the anticipated design load of any structure and to determine whether forces associated with storm conditions would have any effect on the seabed. This analysis is necessary in view of the fact that there are cases where offshore platforms have failed due to a large scale shift of the seabed resulting from a storm.

Section 148.109(l)(1) requires the submission of data concerning the maximum size of the tankers to be accommodated at each deepwater port. It is anticipated that, as a result of varying depths within the safety zone of the port, the tanker size to be accommodated at each SPM will vary. Subparagraph (2) requires an explanation of the method used to determine the size of the tankers that can be accommodated. Section 150.339(f) in Part 150 establishes a minimum net underkeel clearance of 5 feet. Considering the water depth of any particular location, it is necessary to calculate the minimum gross underkeel clearance which must be allowed for that location so that the net underkeel clearance will never be less than 5 feet. Subparagraph (3) requires a discussion of wind, wave, and current conditions that will necessitate cessation of certain port operations. This will depend in large part on the maximum wind, wave, and current conditions for which each component of the port is designed.

Sections 148.109(m)—(p) require the submission of technical data concerning various components of the proposed deepwater port and related shoreside development. The Coast Guard does not plan to issue extensive regulations prescribing methods used to design the deepwater port components. However, these regulations do require the applicant to submit information concerning design criteria, standards, codes, and engineering practices to be used in designing each component of the port. With regard to design criteria, they are to be developed based on the 100 year storm, in accordance with Part 149. Only preliminary design drawings of the components are required as part of the application. If a license is issued, the applicant will be required to submit complete, detailed design drawings before commencing construction.

Section 148.109(s) requires the submission of a draft Operations Manual for the proposed deepwater port. Guidance for preparing the draft manual is found in the "Guidelines for Preparation of a Deepwater Port Operations Manual." It is anticipated that the Coast Guard will work with the licensee of a deepwater port in finalizing the draft to meet the requirements of the deepwater port regulations, the "Guidelines for Preparation of a Deepwater Port Operations Manual" (see § 150.105 of Part 150), and any license conditions issued under 4(e) of the Act.

Section 148.109(t) in part establishes a requirement for an applicant to submit, with his application, an environmental analysis for the proposed deepwater port. The purpose of this analysis is to provide that data necessary for the Coast Guard to prepare the environmental impact statement required by section 5(f) of the Act for the proposed deepwater port. Since the Act provides that only one impact statement be prepared for each license granted, and in view of the time constraints established by the Act, it is imperative that an applicant submit comprehensive, complete, and organized data in his analysis. To this end, the Coast Guard has prepared the Guidelines for the Preparation of Environmental Analyses for Deepwater Ports that are available upon request. Section 149.109(t) further requires that an environmental analysis submitted in an application be prepared in accordance with the guidelines.

Sections 148.109(v)–(x) list requirements for submitting information concerning the proposed operation of telecommunications equipment and the discharge of pollutants and other materials at the port and adjacent onshore facilities. Section 148.109(y) lists requirements for submitting information to be used in the antitrust review of an application. These sections have been requested by the Federal Communications Commission, Environmental Protection Agency, Department of Army (Corps of Engineers), and Federal Trade Commission for inclusion in this notice of proposed rule making. Procedures for adjudicating and processing this information for completeness within the time frames established in section 5 of the Act are being developed and coordinated with these agencies. The procedures will include provisions that these agencies issue the permits required to operate telecommunications equipment and to discharge pollutants and other materials, and provisions that the permits are normally issued concurrently with the deepwater port license. Rules explaining these procedures, and rules referencing the existing adjudication procedures in the Code of Federal Regulations for these agencies, will be incorporated in Subpart C of Part 148.

Application proceeding. Because section 5 of the Act requires all hearings in a proceeding to be completed within 240 days after the first application is filed and requires a final decision to be made within 90 days after the last hearing, the time limits prescribed for formal hearings in Subpart C of Part 148 are short. However, the administrative law judge in a formal hearing has the authority under § 148.257(j) to extend a time limit if the extension is consistent with the time limits prescribed in section 5(g) of the Act.

Section 148.217(a)(3) provides that a State's request for designation as an adjacent coastal state under section 9(a)(2) of the Act must state why the designation should be made and may provide any documentation in support of the statement including documentation concerning risk of damage to the coastal environment of the State (see section 3(b) of the Act) that could occur as a result of an oil spill at the proposed port. Thus, all available documentation concerning the risk of damage to the coastal environment of the State that could result from an oil spill at the port should be submitted with the request to assist the Secretary in acting on the request.

Site Evaluation. Section 148.503 is an interim regulation that will be replaced in the future by more comprehensive regulations pertaining to activities involved in deepwater port site evaluation and preconstruction testing. Section 148.503 requires that persons who intend to conduct site evaluations or preconstruction testing must give advance notice to the Coast Guard of the nature of those activities. The information submitted in the notice will be reviewed in coordination with the National Oceanic and Atmospheric Administration and the Department of Interior; and if the review shows that activities should be regulated under section 5(b) of the Act, regulations for the activity will be issued in a separate rule making proceeding.

Design and Equipment. Part 149 prescribes design standards, construction requirements, and requirements for pollution prevention equipment, safety equipment, and aids to navigation. The requirements for safety equipment include rules for curbs, gutters, drains, and

reservoirs, emergency power equipment, means of escape, personnel landings, fixed fire main systems for water and other fire extinguishing systems, fire detection and alarm systems, and lifesaving equipment. Sections 149.105 and 150.103 require the licensee to ensure that the port meets the design, construction, and equipment requirements in Part 149.

The equipment requirements in Part 149 are based in part on existing analogous Coast Guard regulations, American Bureau of Shipping (ABS) standards, the National Fire Protection Association's (NFPA) "National Fire Code", the American Petroleum Institute (API) "Recommended Practice for Planning, Designing, and Constructing Fixed Offshore Platforms", the American Society of Mechanical Engineers (ASME) "Boiler and Pressure Vessel Code", and American National Standards Institute (ANSI) standards. The ABS is a ship classification society which establishes standards for the design, construction, and survey of ships and other marine structures. ABS classification certifies compliance with these standards which are intended to ensure structural and mechanical fitness for service. NFPA is an international, non-profit, technical, and educational organization organized to promote the science and improve the methods of fire protection and prevention. ANSI standards reflect a national consensus of manufacturers, consumers, scientific, technical, and professional organizations, and government agencies.

Section 149.205(a) requires that design criteria for each deepwater port be based upon a 100 year storm method described in "Recommended Procedures for Developing Deepwater Ports Design Criteria" which is available from the Commandant. The 100 year storm method is used because of experience with its use by engineers in the design of offshore structures in the Gulf of Mexico.

Sections 149.205 (b–d) require that to the extent practicable and consistent with the deepwater port regulations the design of a deepwater port must comply with the API "Recommended Practice for Planning, Designing, and Constructing Fixed Offshore Platforms" (API RP 2A), the ANSI "Practice for Electrical Installations on Shipboard" (ANSI C 110.1–1972), and Sections I, IV, and VIII of "ASME Boiler and Pressure Vessel Code". API RP 2A contains principles and accepted practices of engineering design that have evolved during the development and building of offshore oil platforms. The requirement to use ANSI C 110.1–1972 in designing a platform is proposed because of the application of this recommended practice to marine installations. Compliance with ANSI C 110.1–1972 in designing a platform should effectively eliminate electrical sources of ignition and personal shock on the platform. Compliance with Sections I, IV, and VIII of the ASME Code in designing a platform should minimize as much as possible the potential for a malfunction of a pressurized system or a rupture of the system on the platform, each of which poses a substantial hazard to personnel.

Section 149.206 requires that, to contain a fire on a platform and to facilitate escape if a fire occurs, walls separating personnel accommodation spaces and service spaces from other spaces on the platform and walls enclosing means of escape and vertical shafts must be constructed of steel and incombustible materials required by 46 CFR 92.07 for bulkheads on cargo vessels.

Section 149.305 requires a remote control shut-off valve method to isolate segments of the oil transfer system in an emergency or for repair.

Section 149.307 requires a blank flange and a butterfly valve on each floating hose string to prevent a discharge from the vessel end of the hose when it is not connected to the vessel manifold.

Section 149.311 requires a malfunction detection system to ensure rapid detection and response to a malfunction or leak in the oil transfer system.

Section 149.317 requires two-way voice communications among certain key personnel for use during oil transfer operation. This rule is designed to permit rapid, coordinated shutdown of the oil transfer operation. It should prevent overflow of tanks at the onshore facility and should provide for immediate reaction to any break in the oil transfer system (OTS) thus minimizing the quantity of oil spilled.

Section 149.411 requires emergency power to operate critical electrical systems to minimize risks to the deepwater port and vessel if there is a power failure.

Sections 149.451–513 contain requirements for firefighting, detection, and alarm equipment for use in containing and extinguishing fires that may occur on a platform.

Section 149.455 requires each fire pump to be in a separate space so that all cannot be destroyed by a fire in one space.

Sections 149.521–525 contain requirements for lifeboats, inflatable liferafts, and launching equipment on a platform for use in an emergency such as fire or collision by a vessel that requires abandonment of the platform. The launching equipment required will allow personnel to depart from the platform without first entering the water. An excess number of lifeboats and inflatable liferafts is required in § 149.521 to provide for the contingency that some lifeboats or liferafts may be damaged or become inaccessible during an emergency that requires abandonment of the platform.

Section 149.524 requires that winches, davits, and mechanical disengaging apparatus for inflatable liferafts be approved by the Coast Guard. Proposed specifications and approval procedures for this equipment are currently being prepared by the Coast Guard and will be issued as a notice of proposed rulemaking in the near future. Section 149.524 will be amended to incorporate these specifications and approval procedures when they are promulgated.

Operations Manual: changes. Section 150.111 requires advance submission to the Captain of the Port of each change to the Operations Manual of a port. Advance submission is required for the Captain of the Port to review the change for compliance with § 150.105.

Personnel. Minimum qualifications for a terminal supervisor, cargo transfer supervisor, cargo transfer observer, vessel traffic supervisor, mooring master, and assistant mooring master are prescribed to ensure safe operation, and pollution prevention and clean up. The requirements for a mooring master's endorsement in § 150.211(a) will be proposed in a future notice of proposed rulemaking.

Vessel navigation. Because of the size and maneuverability of the supertankers for which these ports are designed, a fundamental element of the proposed regulations is a traffic separation scheme to maintain a safe distance between tankers entering and departing the port. The Coast Guard has determined that a 2 mile visibility is the minimum to ensure the safe approach of a supertanker. The licensee must develop maximum sea conditions criteria and include them in the Operations Manual. A tanker may anchor in the anchorage area until it can moor if conditions prevent mooring to an SPM.

Section 150.339(f) requires a minimum net underkeel clearance of five feet to ensure that a vessel cannot strike bottom. This clearance allows for variance in predicted values of tide, water depth caused by changing bottom conditions, and vessel configuration.

Oil transfer operations. The decision to require an on-scene capability to handle a 10,000 gallon discharge was based upon the difficulty in rapidly transporting bulky equipment to the port in an emergency, as tempered by certain historical studies of discharges occurring at offloadinf SPMs which tend to show that the vast majority of probable discharges would be less than 10,000 gallons.

Section 150.405 imposes minimum standards for test and inspection of oil transfer equipment. In addition to the American Bureau of Shipping test and inspection requirements for the single point mooring buoy oil transfer system (SPM–OTS), this rule imposes a requirement to perform certain tests and inspections of the total OTS at the port. Rules for the design, construction, inspection, testing, operation, and maintenance of submarine pipelines at a deepwater port will be promulgated by the Office of Pipeline Safety, U.S. Department of Transportation.

The test and inspection requirements in §§ 150.407 and 150.409 are based upon Coast Guard experience with and knowledge of the general design and construction features of discharge containment equipment and removal material and equipment. Certain components, such as the fabric and fabric coatings, have been found to deteriorate rapidly, particularly when exposed to sun and salt air. These are considered broad, minimum guidelines; more specific standards cannot be specified until the actual equipment outfit at the port is known.

The purpose of in § 150.419 is to prevent the posisbility of the deepwater securing OTS valves while the vessel is still pumping oil, leading to a hazard of a rupture in the OTS.

Section 150.421 is designed to prevent discharge of oil if the SPM is damaged by storm conditions and to minimize the risk of discharge of oil if the SPM or its floating hose string is damaged by any cause (vessel ramming, hose fatigue, etc.).

Section 150.423(b) ensures that those persons handling the actual hose connections are familiar with oil transfer equipment, firefighting procedures, and applicable pollution laws and regulations.

Aids to navigation. Lighted buoys with radar reflectors, in accordance with the laterial system of buoyage prescribed in 33 CFR 62.25 for use with charts in United States waters, are required in §§ 149.771–149.773 to mark the lateral boundaries of traffic lanes at the port.

The number of obstruction lights required on a platform and their arrangement is consistent with the requirements of existing regulations. The obstruction lighting scheme required on floating hose strings attached to an SPM closely parallels the obstruction lighting required on floating pipelines under 33 CFR Part 80.

The intensity requirements for lights in Subpart E of Part 149 will provide for the following visual ranges of the lights:

Required intensities (candela):	*Visual Range (nautical miles)*
15,000	15
75	5
15	3
1	1

Standards defining acceptable colors of light signals, in terms of chromaticity limits, in § 149.727 are within the limits of the International Commission on Illumination (CIE) recommendations for the specification of colors of light signals in a four color signal (red, yellow, white and green) system published in CIE Publication No. 2 (E–1.3.3), 1971, 2nd Edition.

To assist the mariner in making positive identification of the deepwater port, two special warning devices are required. Section 149.795 requires a radar beacon (RACON) accepted by the FCC for the frequency range 9300–9500 MHz (X-Band). Section 149.797 requires a rotating lighted beacon.

Reports. Copies of reports to American Bureau of Shipping for maintenance of ABS classification are required in § 150.703 to ensure compliance with design and construction requirements specified in Part 149. Section 150.705 requires that discrepancies to navigational aids be reported so that the Coast Guard may issue appropriate Notices to Mariners. Section 150.707 requires that a report of oil throughput be submitted for the purpose of calculating inputs to the Deepwater Port Liability Fund as covered in § 18(f) of the Act.

Section 150.713 requires that the licensee submit to the Captain of the Port a report of sabotage or subversive activity at the port. This report, made by the fastest means possible, should permit the COTP to react quickly to prevent or minimize any threat to life or property, or potential pollution at the port. The required written confirmation will enable the COTP, or other appropriate authority, to investigate the circumstances surrounding the incident, apprehend the perpetrators, and prevent recurrences.

Records. Section 150.751 is a general requirement that all reports, records, test and inspection results, and operating data required by these rules be maintained by the licensee, in a manner suitable for inspection by the Coast Guard, at the port or adjacent onshore facility, for three years unless otherwise specified. "A manner suitable for inspection by the Coast Guard" means any form easily read by an inspector such as duplicate paper copies, or microfilm or microfiche with appropriate optical reader. It rules out media not easily read, such as punched cards, magnetic tape, and microfilm or microfiche without access to an optical reader. Three years is considered a reasonable recordkeeping requirement, and is based upon similar standards in effect for routine government recordkeeping.

Section 150.753 requires that the licensee retain documentation of the designation and qualifications of key operations personnel for the duration of each individual's employment in that capacity at the port. It is necessary to retain documentation for those key individuals for as long as they continue to be employed in the specified capacities, even if beyond the routine three-year requirement.

Section 150.755 requires that the licensee maintain a port inspection record containing operating, test, and inspection data on machinery and equipment for three years, and records of emergency drills for one year. The descriptive data on operating machinery and emergency equipment is required to familiarize official inspectors with the nature and location of all such devices. The record of emergency drills provides the inspector with the only documentation that the drills required by § 150.519 have been conducted. The record of facility tests and inspections provides documentation for the corresponding requirements of Subpart D of Part 150 and § 150.121, thus enabling the official inspector to determine compliance with those requirements.

Section 150.757 requires that the licensee maintain a log of oil throughput at the port. This log is necessary to provide the data from which the quarterly report of oil throughput, covered in § 159.707, is compiled and submitted in compliance with section 18(f)(3) of the Act. The country of origin of the crude oil must be specified in order that cognizant government agencies may monitor patterns of oil imports and pricing.

Inspections. The Coast Guard will inspect deepwater ports to ensure compliance with the Act and regulations. These inspections will cover recordkeeping; operation and maintenance of oil transfer, discharge containment and removal, firefighting, lifesaving, and other emergency systems, equipment and material; and observation of oil transfer operations, terminal controls and procedures, and emergency drills. Results of these inspections, and deficiencies, if any, will be recorded in the Facility Inspection Record.

The regulations proposed in this notice cover the elements that must be considered by applicants in preparing their applications for a license. The Coast Guard proposes regulations at this early date to enable the potential applicants to prepare their applications and to expedite the licensing and construction of deepwater ports.

The Secretary of Transportation has delegated the authority to the Commandant of the Coast Guard to promulgate the regulations in this document under the authority of 33 U.S.C. 1504(a) and 1509(a) and (b) of the Deepwater Port Act of 1974.

In consideration of the foregoing, it is proposed to add a new Subchapter NN to Chapter I of Title 33 of the Code of Federal Regulations to read as follows:

SUBCHAPTER NN—DEEPWATER PORTS

PART 148—GENERAL

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AUTHORITY: Secs. 5(a), 5(b), Pub. L. 93-627, 88 Stat. 2131 (33 U.S.C. 1504 (a), (b)).

Subpart A—General

§ 148.1 Purpose.

This subchapter prescribes regulations for the licensing, construction, design and equipment, and operation of deepwater ports.

§ 148.3 Definitions.

(a) "Act" means the Deepwater Port Act of 1974.

(b) The terms listed in § 3 of the Act, whenever used in this subchapter, have the same meaning that they have in the Act.

(c) "Platform" means a fixed structure which rests on or is embedded in the sea bed that has floors or decks in which an activity or specific function may be carried out.

(d) "Pumping platform complex" (PPC) means a single platform or a series of interconnected platforms that have one or more of the following capabilities:

(1) Pumping oil from a vessel to the shore.

(2) Berthing and messing facilities for assigned personnel.

(3) Landing area for helicopters.

(4) Mooring and loading for small vessels.

(5) Space for controlling or monitoring oil transfer operations.

(6) Space for other deepwater port operations.

(e) "SPM" means single point mooring buoy.

(f) "Gross under keel clearance" means the distance between the keel of a tanker and the ocean bottom when the tanker is fully loaded with oil and moored or anchored in calm water.

Subpart B—Applications

GENERAL

§ 148.101 Applicability.

This subpart prescribes rules that apply to each application, including competing applications described in § 5(d)(3) of the Act, for the issuance, amendment, renewal, and transfer of a license for the ownership, construction, and operation of a deepwater port.

§ 148.103 Application staff.

The application staff is the Deepwater Ports Project of the Office of Marine Environment and Systems, Commandant (G-WDWP/61), U.S. Coast Guard, 400 Seventh Street, S.W., Washington, D.C. 20590.

§ 148.105 Preparation.

(a) Any person may confer with the application staff concerning the preparation of an application.

(b) An applicant may incorporate by reference in his application any current information contained in previous applications or reports that he has submitted to the application staff. Reference must be clear and specific.

§ 148.107 Copies; fees.

(a) An application for a license must be submitted with fifty copies to the application staff.

(b) A nonrefundable application fee of $100,000 must be submitted with each application for issuance of a license.

(c) Additional costs to adjudicate an application, when assessed, must be submitted to the application staff.

(d) Fees and costs assessed under this section must be made payable to the United States Treasury.

§ 148.109 Contents of application for issuance of license.

In addition to meeting the requirements of sections 4(e)(2) and 5(c) of the Act, each application must include the following:

(a) *Proof of citizenship.* (1) If the applicant is an individual, group of individuals, a partnership or an association, an affidavit from each individual stating that he is a citizen of the United States of America.

(2) If the applicant is a corporation, one copy of its charter or certificate and articles of incorporation, certified by the secretary of state or other appropriate authority.

(b) *Proof of authority.* If the applicant is a state, or combination of states, or any political subdivision, agency, or instrumentality of a state, including a wholly owned corporation, copies of the laws authorizing the operations detailed in the application.

(c) *Service of documents.* The name and address of a person upon whom service may be made if a formal hearing is held on the application.

(d) *Verification.* A statement at the end of the application subscribed and sworn to before a notary public that the person who signed the application has read it and that its contents are true to his best knowledge and belief.

(e) *Financial information.* (1) Most recent financial statements, including as a minimum an income statement for 12 months ending on the last day of the last quarter prior to 30 days before the submission of the application and a balance sheet as of the same last day of the income statement, accompanied by an opinion of a certified public accountant.

(2) Financial statement of each corporate member of the applicant.

(3) An estimate of the minimum annual oil throughput required for the deepwater port and associated onshore facilities to break even financially.

(4) Copies of any financial committals which individual corporate members have entered into with applicant.

(5) An estimate of operating and construction costs and projected revenue based on estimated oil throughput.

(6) Plans for financing operating and construction costs, including sources of financing supported by full details as to the type, amount, and percentage of equity and short-term and long-term financing.

(7) A general projection of the use of the facility during the life of the license including a market analysis of the demand for imported petroleum within the geographic area to be served by the deepwater port and guarantees and options made by specific companies which would provide for sustained use of the facility.

(8) A detailed estimate of the cost of removal of all components of the deepwater port.

(f) *General technical information.* (1) Description of the applicant's experience in offshore operations with particular emphasis on involvement in offshore transfer and storage of liquid cargo and ship to shore transfer operations.

(2) A description of the results of any research and development projects that have been conducted during preparation for submission of an application for a license to own, construct, and operate a deepwater port.

(3) The name of any contractor to be used in constructing any part of the deepwater port, if known, and a description of his experience in construction of marine terminal facilities, offshore structures, underwater pipelines, seabed foundations or any other experience that would bear on his qualification to participate in the construction of a deepwater port.

(4) The name and qualifications of each engineering firm that will design the deepwater port, or any portion of the port.

(g) *Water.* A state water quality certification as required by section 401(a)(1) of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1341(a)(1).

(g-1) *Coastal zone management.* The certification required by section 307 of the Coastal Zone Management Act of 1972 for each state described in section

9(a)(1) of the Deepwater Port Act of 1974 if the state has an approved coastal zone management program.

(h) *Grid identification.* Identification of the grid established either by the Secretary of the Interior under § 5 of the Outer Continental Shelf Lands Act (43 U.S.C. 1334) or by a state under the authority of § 3 of the Submerged Lands Act (43 U.S.C. 1311) within which any part of the proposed deepwater port or its approaches may be located. For any grids presently under lease, the applicant must include a copy of an agreement with the lessees providing that the lessees agree not to exercise their rights under the leases within these grids.

(i) *Overall site plan.* A single line drawing showing the location and type of each component of the proposed deepwater port, including floating structures, fixed structures, aids to navigation, manifold systems and onshore storage areas, pipelines, and refineries.

(j) *Site plan for marine components* A complete site plan consisting of—

(1) The proposed size and location of—

(i) All fixed and floating structures;

(ii) Swing circles;

(iii) Maneuvering areas;

(iv) Recommended vessel traffic separation plan For approaching the port and the proposed Vessel traffic pattern in the port area;

(v) Recommended anchorage areas;

(vi) Recommended mooring area for support vessels;

(vii) Required and recommended aids to navigation; and

(viii) Pipelines within the marine site;

(2) The chartered water depth throughout the proposed marine site; and

(3) A hydrographic survey of the proposed marine site.

(k) *Soil data.* An analysis of the general character and condition of the ocean bottom and sub-bottom throughout the marine site and along the path of the pipeline to the shore, including an opinion concerning—

(1) The suitability of the soil to accommodate the anticipated design load of each marine component that will be fixed to the ocean floor; and

(2) The stability of the seabed when exposed to the environmental forces resulting from severe storms, or to lesser forces that continue for an extended period.

(l) *Operational information.* (1) The length, draft, and dead weight tonnage of the largest tanker to be accommodated at each SPM.

(2) An analysis of and justification for the adequacy of the selected gross under keel clearance at the marine site for vessels to be accommodated at each SPM including description of the data, sources of data, and techniques used.

(3) A detailed description of, including the manner of determining, the wind, wave, and current conditions during which the following would occur:

(i) Shutdown of oil transfer operations.

(ii) Prohibition on mooring to an SPM.

(iii) Shutdown of all operations and evacuation of the port.

(4) The speed limits proposed for tankers transiting the traffic lanes and safety zone.

(m) *Floating components data.* (1) A complete description and preliminary design drawing of each floating component, including the hoses and the anchoring or securing structure and navigation lights if the component is a mooring buoy.

(2) The design criteria, developed pursuant to Part 149 of this subchapter, to which each floating component is to be designed and built.

(3) The design standards and codes to be used.

(4) The title of each recommended engineering practice to be followed.

(5) A description and the results of any design and evaluation studies performed on a floating component.

(6) A description of safety, firefighting, and pollution prevention equipment to be used on each floating component.

(7) A description of lighting to be used on floating hoses for night detection.

(n) *Fixed marine components data.* (1) A complete description and preliminary design drawing of each fixed marine component.

(2) The design criteria, developed pursuant to Part 149, to which each fixed marine component is to be designed and built.

(3) The design standards and codes to be used.

(4) The title of each recommended engineering practice to be followed.

(5) A description and the result of any design and evaluation studies performed for any fixed marine component.

(6) A description of navigational lighting, safety, lifesaving, firefighting, pollution prevention and removal, and waste treatment equipment to be installed.

(7) A description and preliminary design drawing of the oil pumping equipment, piping system, control and instrumentation system, and any associated equipment, including the oil throughput measuring equipment, leak detection equipment, alarm system, and emergency shutdown equipment.

(8) The personnel capacity of each PPC.

(o) *Offshore pipeline data.* (1) A description and preliminary design drawing of the marine pipeline, including size, throughput capacity, length, depth and protective devices;

(2) The design criteria to which the marine pipeline is to be designed and built;

(3) The design standards and codes to be used;

(4) The title of each recommended engineering practice to be followed;

(5) A description of the metering system to be used to measure flow rate; and

(6) Information concerning all submerged or buried pipelines that will be crossed by the offshore pipeline and the manner in which the crossing will be made.

(p) *Onshore components data.* (1) A description of the location, capacity, and ownership of, and a preliminary design drawing for construction of new or expansion of existing onshore pipelines, storage facilities, and refineries to be served by the deepwater port.

(2) Location, capacity, and ownership of existing onshore pipelines, storage facilities and refineries to be served by the deepwater port.

(3) A chart showing the location of all planned and existing onshore pipelines, storage facilities, and refineries to be served by the deepwater port.

(q) *Miscellaneous components data.* (1) A description of the communications systems to be used in operation of the deepwater port.

(2) A description of the radar navigation system to be used on operation of the deepwater port to include the type and characteristics of the radar and the antenna location.

(3) A description of plans and method of bunkering vessels using the deepwater port.

(4) Type, size and number of vessels to be used in bunkering, mooring, and servicing the vessels using the deepwater port.

(5) A description of the radar beacon (RACON) to be used in operation of the deepwater port.

(r) *Construction procedures.* A description of the method and procedures to be used in constructing each component of the deepwater port.

(s) *Draft Operations Manual.* A draft Operations Manual for the proposed port.

NOTE: Guidance for preparing a draft Operations Manual is found in the Guidelines for Preparation of a Deepwater Port Operations Manual" and may be obtained from the Commandant.

(t) *Environmental analysis.* An environmental analysis prepared in accordance with "Guide to Preparation of Environmental analyses for Deepwater Ports."

NOTE: Detailed guidelines and format for preparation of the environmental analysis are published in "Guide to Preparation of Environmental Analyses for Deepwater Ports."

(u) *Aids to Navigation*—(1) *Position.* For each proposed aid to navigation, the proposed position described by two or more horizontal angles, or by the bearings and distance, from charted landmarks.

(2) *Maintenance.* For each proposed aid to navigation, the name and address of each person proposed to maintain the aid after installation.

(3) *Obstruction lights and rotating lighted beacon.* For each proposed obstruction light and the proposed rotating lighted beacon, the color, characteristic, effective intensity, height above water, and description of illumination apparatus, including the type, model, and name and address of the manufacturer.

(4) *Fog signals on structures.* For each proposed fog signal on a structure, the characteristic and description, including the model and name and address of the manufacturer.

(5) *Buoys.* (i) For each proposed buoy, the shape, color, number or letter, and depth of water in which located.

(ii) For each proposed buoy light, the information required in paragraph (u)(3) of this section.

(iii) For each proposed fog signal on a buoy, the type, characteristic, and description, including model and name and address of the manufacturer.

(6) *Radar beacon.* For the proposed radar beacon (RACON), radar pulse code, height above water, antenna type, and description, including type, model, and name and address of manufacturer.

(v) *Telecommunications equipment.* The information prescribed by, and submitted on, the appropriate Federal Communications Commission (FCC) forms for applying for the FCC licenses required to operate telecommunication equipment at the port.

(w) *National Pollutant Discharge Elimination System Information.* The information prescribed by, and submitted on, the "National Pollutant Discharge Elimination System (NPDES) Application for Permit to Discharge, Short Form D" for applying for issuance of a discharge permit by the Administrator of the Environmental Protection Agency.

(x) *Discharge of dredged or fill material.* The information prescribed by, and submitted on, Form EP 1145-2-1 contained as Appendix B of "Application for Department of Army Permits for Activities in Waterways, EP 1145-2-1 of 1 October 1974" for each permit issued by the Secretary of the Army in compliance with—

(1) Section 10 of the Rivers and Harbors Act of 1899 (30 Stat. 1151; 33 U.S.C. 403);

(2) Section 404 of the Federal Water Pollution Control Act Amendments of 1972 (86 Stat. 816; 33 U.S.C. 1344); or

(3) Section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972 (86 Stat. 1052; 33 U.S.C. 1413).

(y) *Antitrust review information*—(1) *Corporate Structure.* (i) Name, address and principal business activity of applicant and each affiliate.

(ii) Name and address of any firm controlling applicant or each affiliate.

(iii) A copy of the latest annual balance sheet and income statement and consolidated balance sheet and income statement of applicant and each affiliate.

(2) *Ownership and production of crude oil.* (i) For each state in the United States and for each foreign country, information which shows separately for each applicant and each affiliate:

(A) Proved reserves of crude oil as of December 31 of the 3 calendar years prior to the date of application as submitted to the Committee on Petroleum Reserves of the American Petroleum Institute;

(B) Total production of crude oil during the 3 calendar years prior to the date of application, and;

(C) Net share of crude oil production during the 3 calendar years prior to the date of application.

(3) *Ownership and operation of refineries.* For each refinery within the United States in which the applicant or any affiliate has an interest, information which shows:

(i) The location of the refinery;

(ii) Runs to still for the 3 calendar years prior to the date of application, and;

(iii) Motor gasoline and distillate fuel oil production for the 3 calendar years prior to the date of application.

(4) *Pipeline ownership and use.* (i) A map or diagram which indicates the location, capacity, throughput and direction of all crude oil gathering lines and crude oil and product pipelines in the United States which applicant or any affiliate uses or has an ownership interest in;

(ii) The percent and nature of interest of each owner for each pipeline in which the applicant or any affiliate has an ownership interest; and,

(iii) A copy of the shareholders agreements and attachments thereto for each pipeline in which applicant or any affiliate holds an interest.

(5) *Extant documents relating to deepwater ports.* (i) A list of all documents in the possession of the applicant or in the possession of any affiliate which relate to deepwater ports, were prepared within three years of the application date, and wall under one or more of the following categories:

(A) Prepared by, for, or submitted to the Board of Directors, executive management, or planning committee of the applicant or any affiliate.

(B) Prepared by the planning department, the economic department, the crude oil supply and distribution department, or financial department of applicant or any affiliate.

(C) Concern the financing of deepwater ports.

(D) Concern the projected profitability of deepwater ports.

(E) Concern membership in a joint venture for the construction, operation, or financing of a deepwater port.

(F) Contain or concern the shareholders agreement for the applicant or attachments or amendments thereto, including but not limited to memoranda concerning the negotiation of such agreements, attachments, or amendments.

(G) Concern common carrier regulations of deepwater ports.

(ii) The date, title, subject, author, and affiliate attesting that the documents listed as required in subparagraph 5(i) of this paragraph will be made available during normal business hours to authorized examiners of the Federal Trade Commission for inspection and copying upon 24 hours notice.

(iv) A detailed description of the persons, offices, and departments of each applicant and affiliate which were involved in the planning, evaluating, or approving participation in the construction, ownership, financing, or operation of deepwater ports.

(v) A certificate signed by each applicant and affiliate attesting that each person described as required in subparagraph 5(iv) of this paragraph will be available to authorized examiners of the Federal Trade Commission for the purposes of oral interviews under oath.

Subpart C—Application Proceeding

General

§ 148.201 Purpose.

This subpart prescribes rules of procedure and practice for application proceedings.

§ 148.203 Applicability.

(a) Except as provided in paragraph (b) of this section, the rules in this subpart apply to each application proceeding.

(b) The rules for formal hearings in §§ 148.251–148.291 apply only to application proceedings in which the Commandant issues a notice of formal hearing under § 148.251. The rules for informal hearings in §§ 148.231–148.235 apply only to proceedings to consider applications for issuance, transfer, and renewal of a license.

§ 148.205 Clerk; docket; record.

(a) The mailing address for the clerk in each proceeding is Commandant (G-CMC/82), U.S. Coast Guard, Washington, D.C. 20590. The office of the clerk is located in the Nassif Building, 400 Seventh Street SW., Room 8234, Washington, D.C.

(b) The clerk maintains a docket and the record for each proceeding. The docket lists each document in the record. The record contains all documents filed or issued in the proceeding that the clerk has received and any other documents in the proceeding that are docketed in accordance with this subpart.

§ 148.207 Availability of documents in the record.

(a) The procedure for inspecting and copying documents in the record of a proceeding is contained in 49 CFR Part 7 and section 14 of the Act.

(b) Comments submitted by Federal agencies and departments for each proceeding in accordance with sections 5(e)(2) and 7(b) of the Act are docketed when they are received. Copies of the draft and final environmental impact statements prepared in accordance with section 5(f) of the Act are docketed when they are transmitted to the Council on Environmental Quality.

§ 148.209 Availability of draft environmental impact statement.

Copies of the draft environmental impact statement prepared in each proceeding may be obtained from the application staff.

§ 148.211 Processing an application.

The Chief, Office of Marine Environment and Systems takes the action described in section 5(c)(1) of the Act for processing each application received in a proceeding and for issuing the notices described in section 5(c)(1). If he issues notice of application pursuant to section 5(c)(1) of the Act, the application staff thereafter delivers the application described in the notice to the clerk for docketing. A notice of application for an

amendment also gives notice that interested persons may submit relevant material and written argument concerning the application to the clerk for docketing within 45 days after the date of the notice.

§ 148.213 Changes to an application.

If information in an application becomes in accurate or incomplete after it is docketed in a proceeding but before the proceeding is terminated, the applicant must promptly file an amendment furnishing the corrected or additional information. Fifty copies of the amendment must be submitted to the application staff when the revisions are filed.

§ 148.215 Withdrawal of application.

An applicant may withdraw his application in a proceeding at any time before the proceeding is terminated by delivering or mailing notice of withdrawal to the clerk for docketing.

§ 148.217 Designation of adjacent coastal states under section 9(a)(2) of the Act.

(a) A request under section 9(a)(2) of the Act for designation as an adjacent coastal state in a proceeding must—

(1) Be submitted in writing to the application staff;

(2) Be signed by the Governor of the State or a person he designates; and

(3) State why the designation should be made and may provide any documentation in support of the statement including documentation concerning risk of damage to the coastal environment of the State making the request that could occur as a result of an oil spill at the deepwater port proposed in the proceeding.

(b) The Secretary approves or denies each request submitted under this section.

INFORMAL PUBLIC HEARING

§ 148.231 Notice of public hearing.

After all applications in a proceeding are docketed, the Commandant issues a notice of public hearing and mails or delivers it to any person who requests it. The clerk dockets the notice when it is published. Each notice lists the time and place for the hearings, factual issues in the proceeding, and procedural matters to govern the hearings.

§ 148.233 Testimony and argument.

Interested persons may attend any public hearing, present relevant material at the hearing, and submit briefs and oral argument after the hearing at a time determined by the presiding officer during the hearing.

§ 148.235 Report of public hearing.

As soon as practicable after a public hearing is completed, the presiding officer forwards a report of the hearing to the clerk for docketing. The presiding officer determines and announces to the participants during the course of the hearing what material will be attached to the report.

FORMAL HEARING

§ 148.251 Determination to hold formal hearing; notice of formal hearing.

(a) After the reports of public hearings are docketed in a proceeding, the Commandant determines whether there are specific and material factual issues concerning the applications that may be resolved by a formal hearing. If he determines that a formal hearing is necessary, he issues notice of formal hearing to the applicants, the application staff, and the administrative law judge.

(b) A notice of formal hearing lists the factual issues for resolution at the hearing, the applicants, and the administrative law judge assigned to conduct the hearing.

(c) The clerk mails or delivers a copy of the notice of formal hearing in a proceeding to any person who requests notice of formal hearing.

§ 148.253 Assignment of administrative law judge; disqualification.

(a) The Commandant assigns the administrative law judge for a formal hearing.

(b) The administrative law judge may disqualify himself at any time after assignment by filing notice of withdrawal from the proceeding. If on motion of a party the administrative law judge does not disqualify himself, the party may appeal the ruling to the Commandant by filing notice of appeal within seven days after the ruling on the motion is issued. A brief may be filed with the notice of appeal.

(c) If the assigned administrative law judge becomes unavailable during the proceeding, another administrative law judge is assigned.

§ 148.255 Jurisdiction of the administrative law judge.

(a) The jurisdiction of the administrative law judge over a proceeding begins when he is assigned. His jurisdiction ends 20 days after the transcript of the formal hearing is docketed or when he issues notice of withdrawal from the proceeding.

(b) The Commandant exercises the authority of an administrative law judge in a proceeding when no administrative law judge has jurisdiction.

§ 148.257 Authority of the administrative law judge.

The administrative law judge assigned to a formal hearing may—

(a) Administer oaths and affirmations;

(b) Issue subpoenas;

(c) Adopt procedures for the submission of evidence in written form;

(d) Rule on offers of proof and receive relevant evidence;

(e) Examine witnesses at the formal hearing;

(f) Dispose of procedural requests or similar matters;

(g) Convene, recess, reconvene, adjourn, and otherwise regulate the course of the formal hearing;

(h) Certify questions to the Commandant;

(i) If a party to a formal hearing fails to appear at a session of the hearing, proceed with the session without further notice to the party;

(j) Extend or shorten a time prescribed by this subpart to the extent consistent with the 240 day time limit prescribed in § 5(g) of the Act for completing public hearings in a proceeding;

(k) Prescribe a time for doing an act if the time is not prescribed in this subpart; and

(l) Take any other action authorized by or consistent with this subpart, the Act, or 5 U.S.C. 551–559.

§ 148.259 Ex parte communications.

If two or more applications have been filed in a proceeding, or if a person opposing an application has intervened in the proceeding, the administrative law judge may not consult any party on a fact in issue except on notice and opportunity for all parties to participate.

§ 148.261 Parties.

The parties to a formal hearing are the application staff, the applicants, and intervenors in the proceeding.

§ 148.263 Intervention.

(a) Any person may file a petition to intervene in a formal hearing. The petition must be addressed to the administrative law judge, must identify the specific matters in the hearing on which he seeks to intervene and his interest in those matters, and must designate the name and address of a person upon whom service may be made if the petition is granted. A party to the formal hearing may file an answer to a petition within five days after the petition is filed.

(b) A petition to intervene must be filed within ten days after notice of formal hearing is issued.

(c) Intervention may be limited to particular matters or to particular times in the hearing if necessary to prevent repetitious evidence and argument or to control the course of the formal hearing.

(d) If the administrative law judge denies a petition in whole or part, the petitioner may appeal to the Commandant by filing notice of appeal within seven days after the denial is issued. A brief may be filed with the notice of appeal. A party may file a brief in support of or in opposition to the appeal within seven days after the notice of appeal is filed.

§ 148.265 A person not a party.

(a) At any time before a formal hearing, any person who is not a party may submit to the administrative law judge a petition to present evidence at the formal hearing. The petition must be sent to the administrative law judge or to the clerk who will forward it to the administrative law judge. The petition must contain a statement describing in detail the evidence to be presented and must show its relevancy to factual issues listed in the notice of formal hearing.

(b) If a petition is granted, the ruling delineates the evidence that may be presented at the formal hearing.

§ 148.267 Appearance and practice.

(a) Each party to a formal hearing, except an individual, must appear by his attorney. Each attorney must file a notice of appearance that states his name, address, telephone number, and the name of the person he represents.

(b) The administrative law judge assigned to the formal hearing may suspend or bar an attorney from representing a person in the proceeding if he finds that the attorney—

(1) Is not admitted in good standing to practice before a Court of the United States or the highest court of any state, territory, or possession of the United States; or

(2) Has failed to conform to the standards of conduct required for attorneys in the Courts of the United States.

(c) The administrative law judge may exclude any person from a formal hearing or a conference if the person is contumacious at the hearing or conference.

§ 148.269 Requirements for documents.

(a) Each document, except an application, filed in a proceeding or submitted to the administrative law judge must—

(1) List the docket number of the proceeding; and

(2) Be signed in ink by the person filing or submitting the document and show the capacity of the person signing, his address, and the date of signing.

(b) Each document filed in a proceeding, except an application, must—

(1) Be accompanied by ten copies of the document;

(2) Show the name and address of each person upon whom a copy of the document has been served;

(3) Be accompanied by an affidavit showing proof of service if the person serving the process is not an attorney; and

(4) Contain the following certificate of service if the person serving the process is an attorney:

I hereby certify that I have this day served the foregoing document upon---------- in accordance with § 148.275 of the Rues of Procedure.

Dated at---------- this ---- day of----------, 19--.

Signature

For ----------
Name of Party or Petitioner

§ 148.271 Subscription.

The signature on a document filed, served, or submitted to the administrative law judge in a proceeding is certification by the person signing that he has full authority to sign the document, that he has read it and knows its contents, that to the best of his knowledge, information, and belief the statements made in it are true, and that it is not interposed for delay.

§ 148.273 Filing.

(a) A document is filed in a proceeding when it meets the requirements in § 148.269 of this subpart and is either mailed or delivered to the clerk.

(b) If the clerk receives a document that does not comply with § 148.269 of this subpart, he returns it to the person who submitted it with a statement of reasons for the return.

(c) Filing by mail must be by certified mail.

§ 148.275 Service of document; other transmittal.

(a) The clerk serves each order, ruling, decision, and notice upon all parties to a formal hearing when issued, except a document issued at the formal hearing or a prehearing conference.

(b) Each document before it is filed in a proceeding must be served upon—

(1) All parties, except the person filing the document; and

(2) The administrative law judge or if no administrative law judge has jurisdiction, the Commandant.

(c) Service of a document upon a party must be made upon the attorney representing the party, or for a party not represented by an attorney, upon the party.

(d) Service must be made by handing a copy of the document to the person to be served or depositing a copy of the document in the mail.

(e) This section does not apply to service of subpoenas. Rules for serving subpoenas are in § 148.281 of this subpart.

(f) The clerk mails to a person who is not a party, and who has submitted a petition or motion in the proceeding, a copy of the ruling on the petition or motion when issued and a copy of the action taken on any appeal of the petition. He mails a copy of the notice of the formal hearing, when the notice is issued, to each person whose petition to present evidence has been granted under § 148.265 of this subpart.

(g) The clerk provides the applicants and the administrative law judge with a copy of each application and report of public hearing docketed in the proceeding.

§ 148.277 Conferences.

(a) The administrative law judge may hold one or more prehearing conferences to give the parties an opportunity to present and consider facts and arguments, to exchange exhibits proposed to be offered in evidence, and to obtain stipulations, admissions, and agreements to produce documents and other tangible things. The administrative law judge may consider at a conference the procedure to be followed at the formal hearing, limitations on the number of witnesses at the hearing, and any other matters that may expedite the disposition of the proceeding.

(b) The administrative law judge may hold conferences during a formal hearing to expedite the disposition of the proceeding.

(c) If a prehearing conference is held, the administrative law judge issues a notice reciting the action taken at the conference and any agreements made between the parties.

§ 148.279 Motions.

(a) Any request for a ruling or relief in a proceeding, except a request for a subpoena or a petition to intervene or present evidence at a formal hearing, must be submitted by motion. Each motion must be addressed to the administrative law judge, state the ruling or relief sought and the grounds therefor, and be accompanied, if appropriate, by a proposed form of order. Each written motion must be filed. An oral motion may be made only at the formal hearing or a conference.

(b) Within seven days after service of a written motion, a party may file an answer supporting or opposing the motion.

(c) Unless otherwise authorized by the administrative law judge, no oral argument is heard on a written motion. A brief may be filed with a written motion or an answer to a written motion.

(d) The administrative law judge issues a ruling and any appropriate order for each motion made.

(e) Except as otherwise provided in §§ 148.253 and 148.263 of this subpart, a ruling of the administrative law judge on a motion may not be appealed to the Commandant. The administrative law judge may refer any ruling to the Commandant for review if he determines that the ruling involves an important question of law or policy.

§ 148.281 Subpoenas.

(a) At any time before a formal hearing is completed, a party may submit a request to the administrative law judge for issuance of a subpoena. A request for issuance of a subpoena must show the general rlevance and scope of the evidence sought.

(b) A proposed subpoena and fifteen copies, and witness fees for one day and mileage, must be submitted with each request. A proposed subpoena must contain—

(1) The docket number of the proceeding;

(2) The captions "Department of Transportation," "Coast Guard," and "Licensing of Deepwater Port for coastal waters off (*insert name of the coastal state closest to the proposed deepwater port*)";

(3) The name and office of the administrative law judge;

(4) A statement commanding the person to whom the subpoena is directed to attend the formal hearing and give testimony or, for a subpoena to produce documentary evidence, a statement commanding the person to produce designated documents, books, papers, or other tangible things at a designated time or place; and

(5) Notice of the procedure in § 148.279 and paragraph (e) of this section for quashing a subpoena.

(c) Unless otherwise authorized by the administrative law judge, a subpoena must be served by exhibiting a copy of the subpoena and leaving the copy with the person to be served. After service or attempted service, the person serving the subpoena must return it to the administrative law judge. If a person other than

a United States marshal or his deputy serves the subpoena, he must attach an affidavit to the subpoena stating the date, time, and manner of service. If service cannot be made, the reasons for not making service must be stated on the subpoena.

(d) A subpoenaed witness is paid the same fees and mileage paid to witnesses subpoenaed in District Courts of the United States. The person requesting a subpoena must pay the fees and mileage.

(e) Any motion to quash a subpoena must be submitted within seven days after service of the subpoena.

(f) If a person does not comply with a subpoena and the administrative law judge on motion rules that good cause has been shown for seeking judicial enforcement of a subpoena, he refers his ruling to the Commandant.

§ 148.283 Hearing date.

(a) The administrative law judge schedules the formal hearing by issuing a notice to the parties.

(b) The clerk mails or delivers a copy of the notice to any person who requests it.

§ 148.285 Reporter; transcript; corrections.

(a) The reporter for a formal hearing is arranged for by the clerk. The reporter prepares a verbatim transcript of the hearing under the supervision of the administrative law judge. Nothing may be deleted from the transcript unless ordered by the administrative law judge and noted in the transcript.

(a) After a formal hearing is completed, the administrative law judge certifies and forwards the transcript to the clerk for docketing.

(c) At any time within 20 days after the transcript is docketed, the administrative law judge may make corrections to the certified transcript. Corrections when filed are attached to the transcript as appendices. Any motion to correct the transcript must be submitted within ten days after the transcript is docketed.

§ 148.287 Order of procedure.

The administrative law judge determines the order of procedure for eachc formal hearing.

§ 148.289 Evidence.

A party may present evidence and conduct cross-examination of witnesses at a formal hearing. Other persons may present evidence that they have been authorized to present under § 148.265 of this subpart.

§ 148.291 Rulings referred or appealed to the Commandant.

(a) The Commandant reviews each ruling referred or appealed to him under this subpart and issues a ruling and any appropriate order. Unless otherwise ordered by the Commandant or the administrative law judge, review of a ruling does not stay a formal hearing or extend a time period prescribed by this subpart.

(b) If the administrative law judge refers a ruling to the Commandant, he gives notice to the parties of the referral.

APPLICATION APPROVAL OR DENIAL

§ 148.321 Decision.

The Secretary issues the decision approving or denying each application in a proceeding.

§ 148.323 Termination of proceeding before approval or denial of an application.

The Commandant terminates a proceeding if—

(a) All applications are withdrawn before the decision approving or denying them is issued; or

(b) In a proceeding with one application that does not have all of the information required by Subpart B of this Part, the applicant after inquiry by the application staff does not provide adequate assurance that further information to make the application is forthcoming.

Subpart D—Issuance of a License

§ 148.400 Applicability.

This Subpart prescribes rules that apply to the issuance of a license under the Act.

§ 148.403 Issuance of a license.

If an application under the Act is approved, a license is issued which contains the following:

(a) The name and number or identification of the port.

(b) The name of the owner and operator of the port.

(c) Conditions to the ownership, construction, and operation of the deepwater port issued under section 4(e) of the Act.

§ 148.405 Term of license.

Each license prescribes the term of the license as a condition.

Subpart E—Site Evaluation

§ 148.501 Applicability.

This Subpart prescribes rules that apply to site evaluation at potential deepwater port locations.

§ 148.503 Report of evaluation.

Any person who plans to conduct a site evaluation or preconstruction testing for a potential deepwater port location shall submit the following information to the application staff at least 90 days before conducting the site evaluation or preconstruction testing:

(a) The location of the site.

(b) A detailed description of the onsite tests and evaluations to be conducted and of the data collection methods to be used.

Subpart F—Rules of Procedure for Exemptions From Any Requirements in Deepwater Port Regulations

§ 148.601 Applicability.

This Subpart sets forth the procedures governing exemptions from any requirements in this Subchapter.

§ 148.603 Petition for exemption.

Any person required to comply with any specific requirements in this Subchapter may submit a petition to the Commandant for an exemption.

§ 148.605 Form and contents of petition for an exemption.

A petition must be submitted in writing. It may be in any form, but it must be specific and it must contain all data necessary to evaluate its merits.

§ 148.607 Exemption criteria.

The Commandant grants an exemption if he determines that—

(a) Compliance with the regulations would be contrary to the public interest;

(b) Compliance is not necessary;

(c) Compliance would not enhance safety or the environment;

(d) Compliance is not practical because of local conditions or because the materials or personnel needed for compliance are unavailable;

(e) National defense or national economy justify a departure from the rules; or

(f) The alternative proposed in the application would ensure comparable or greater safety, environmental protection, quality of construction, maintenance and operation of a deepwater port, and would be consistent with recognized principles of international law.

PART 149—DESIGN, CONSTRUCTION, AND EQUIPMENT

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AUTHORITY: Secs. 10(a), 10(b), Pub. L. 93-627, 88 Stat. 2137-8 (33 U.S.C. 1509(a), (b))

Subpart A—General

§ 149.101 Purpose.

This part prescribes design, construction, and equipment requirements for each deepwater port.

§ 149.105 Licensee.

The licensee of a deepwater port shall ensure that the port meets the design and construction requirements in this part.

Subpart B—Design, Construction, and Equipment; General

§ 149.201 Applicability.

This subpart prescribes requirements for design, construction, and equipment that apply to each deepwater port.

§ 149.203 Submission of construction drawings.

The licensee of a deepwater port shall submit to the Commandant—

(a) Two complete sets of construction drawings of each fixed marine and floating component and each offshore pipeline certified by a registered professional engineer at least ninety days before he starts to construct the component; and

(b) Two sets of record drawings on 105 mm negatives when the component is constructed. Each negative must be—

(1) Placed in an individual envelope; and

(2) Identified and indexed.

§ 149.205 Design standards.

(a) Each fixed marine and floating component of a deepwater port, except hoses and aids to navigation buoys, must be designed to withstand at least the combined wind, wave, and current forces of the most severe storm that can be expected to occur in any period of 100 years at the port.

NOTE: "Recommended Procedure for Developing Deepwater Ports Design Criteria" describes a method to determine the wind, wave, and current criteria for use in determining the forces of the storm described by this paragraph. This guide may be obtained from the Commandant.

(b) Each platform must be designed in accordance with the American Petroleum Institute "Recommended Practice for Planning, Designing, and Constructing Fixed Offshore Platforms" (API RP 2A) fifth edition, January 1974, and the codes and standards in API RP 2A, to the extent that the recommended practice, codes, and standards are consistent with this subchapter.

(c) Each electrical installation on a platform must be designed to the extent practicable in accordance with the American National Standards Institute "Practice for Electrical Installations on Shipboard" (ANSI C 110.1-1972).

(d) Each boiler and pressure vessel on a platform must be designed in accordance with Sections I, IV, and VIII of the American Society of Mechanical Engineers "ASME Boiler and Pressure Vessel Code", 1974 edition, to the extent that the code is consistent with this subchapter.

§ 149.206 Construction.

(a) The following walls on a platform must meet the requirements in 46 CFR 92.07-5(b) for "A" class bulkheads on cargo vessels, except that each wall must be made of steel:

(1) Each wall that separates a galley, a paint and lamp locker, a space housing emergency power generating equipment, or a cargo or machinery space from any other space.

(2) Each wall of a stairway that connects 3 or more decks.

(3) Each wall of an elevator shaft, of a dumbwaiter shaft, and of any other shaft connecting two or more decks.

(b) The following walls on a platform must meet the requirements in 46 CFR 92.07-5 (b) or (c) for "A" or "B" class bulkheads on cargo vessels:

(1) Each corridor wall of a personnel accommodation space.

(2) Each wall of a stairway that connects two decks or each wall of a structure enclosing an opening to the stairway.

(c) A platform wall that is not described in paragraph (a) or (b) of this section must meet the requirements in 46 CFR 92.07-5 (b), (c), or (d) for "A", "B", or "C" class bulkheads on cargo vessels.

(d) Each deck and stairway on a platform must be made of steel and may have a deck covering.

(e) A space that is described in paragraphs (a)(2) or (a)(3) of this section must be enclosed by walls.

(f) Each interior stairway that connects two decks on a platform must be enclosed by walls or an opening to the stairway must be enclosed by a structure.

(g) Each interior stairway that connects three or more decks on a platform must have an opening to each deck.

(h) Each opening in a wall on a platform must have a door that meets the requirements in this section for the wall. Each door must—

(1) Be a self-closing type;

(2) Not have holdback hooks or other means to hold the door open; and

(3) Not have a louver or other opening, except that a door to a sleeping space may have a louver in the lower half.

(i) Each deck covering on a platform must be a type that is approved under 46 CFR Subpart 164.006 for deck coverings on cargo vessels.

(j) Each ceiling, sheathing, furring, and insulation on a platform, and each holding piece that secures a wall, ceiling, or insulation on a platform, must be an incombustible material of a type that is approved under 46 CFR, Subpart 164.009 for cargo vessels.

(k) The interior finish on each wall and ceiling in a corridor or hidden space on a platform, and any interior finish of a thickness greater than 2/28 inches on any other wall or ceiling on a platform, must be a type that is approved under 46 CFR, Subpart 164.012 for cargo vessels.

§ 149.207 Environmental protection.

Each component must be designed to meet Federal laws and regulations governing the prevention of the discharge of pollutants.

§ 149.209 SPM's.

Each SPM must meet the Rules for Building and Classing Single Point Moorings of the American Bureau of Shipping.

§ 149.211 Emergency equipment.

Each platform must have installed mountings for each item of—

(a) lifesaving equipment; and

(b) portable and semiportable firefighting equipment.

§ 149.213 Helicopter fueling facilities.

Helicopter fueling facilities must comply with the requirements of the National Fire Protection Association, National Fire Code 407, Part IV "Fueling and Elevated Heliports." For the purpose of this part, "ground level" means "below the lowest platform working level."

§ 149.215 Interference with helicopter operations.

Aids to navigation, communication, or radar equipment must be installed so as not to interfere with helicopter operations.

§ 149.217 First aid station.

Each PPC must have a first aid station that has adjoining space for six beds or, if the personnel capacity of the PPC is less than 90, one bed for every 15 persons.

Subpart C—Pollution Prevention Equipment

§ 149.301 Applicability.

This subpart prescribes requirements for pollution equipment that apply to each deepwater port.

§ 149.303 Overflow and relief valve.

No oil transfer system overflow or relief valve may be installed so as to allow an oil discharge.

§ 149.305 Remotely controlled shut-off valve.

Each pipeline end manifold at a single point mooring (PLEM) must have a shut-off valve that can be remotely controlled from the cargo transfer supervisor's normal place of duty.

§ 149.307 Blank flange and butterfly valve.

Each floating hose string must have a blank flange and a butterfly valve at the vessel manifold end.

§ 149.309 Manually operated shut-off valve.

Each oil transfer line must have a manual shut-off valve on each SPM buoy.

§ 149.311 Malfunction detection system.

Each oil transfer system must have a system that can—

(a) Detect and locate all leaks and other malfunctions, between the PLEM and the shore; and

(b) Be monitored at the cargo transfer supervisor's normal place of duty.

§ 149.313 Oil transfer system alarm.

Each oil transfer system must have an alarm system to signal a malfunction or failure of the system that is—

(a) Capable of being activated at the cargo transfer supervisor's normal place of duty;

(b) Audible in all parts of the PPC except in areas of high ambient noise levels where hearing protection is required under § 150.509(d) of this subchapter;

(c) Visible in areas of the PPC where hearing protection is required under § 150.509(d) of this subchapter by use of a high intensity flashing light; and

(d) Distinguishable from the general alarm.

§ 149.315 Marking of oil transfer system alarm.

(a) Each oil transfer alarm switch must be identified by the words "OIL TRANSFER ALARM" in red letters at least one inch high on a yellow background.

(b) Each audio and each visual oil transfer alarm signaling device under § 149.313 must have a sign with the words "OIL TRANSFER ALARM" in red letters at least one inch high on a yellow background.

§ 149.317 Communications equipment.

(a) Each deepwater port must have—

(1) A means that enables two-way voice communication among the following persons—

(i) The cargo transfer supervisor;

(ii) the vessel's officer in charge of cargo transfer;

(iii) The cargo transfer observer;

(iv) The terminal supervisor;

(v) The master or person in charge of service craft operating at the deepwater port; and

(vi) The person in charge on the PPC;

(2) A means, which may be the communications system itself, that enables each of the persons listed in subparagraph (1) of this section to indicate his desire to communicate with another of those persons.

(3) All communications equipment and facilities required by Title 47, Code of Federal Regulations.

(b) Each portable means of communications used to meet the requirements of this section must be—

(1) Certified under 46 CFR 111.805 to be operated in a Group D, Class 1, Division 1, Atmosphere; and

(2) Permanently marked with the atmospheric conditions in which it may be safely operated.

§ 149.319 Discharge containment and removal material and equipment.

(a) Each deepwater port must have stored, on the pumping platform or on a service craft operating at the deepwater port, oil discharge containment and removal material and equipment that, to the extent best available technology allows, can contain and remove an oil discharge of at least 10,000 U.S. gallons.

(b) Each deepwater port must have readily accessible additional containment and removal material and equipment for containing and removing oil discharges greater than 10,000 U.S. gallons. For the purpose of this paragraph, "access" may be by direct ownership, joint ownership, cooperative venture, or contractual agreement.

(c) The type of discharge containment and removal material and equipment that will best meet the requirements of paragraphs (a) and (b) of this section must be determined in view of—

(1) Oil handling rates of the deepwater port;

(2) Volume of oil susceptible to being spilled;

(3) Frequency of oil transfer operations at the deepwater port;

(4) Prevailing wind and sea state condition at the deepwater port;

(5) Age, capability, arrangement of and experience with the oil transfer system equipment at the deepwater port; and

(6) Whether the discharge containment and removal material and equipment is shared and the expected frequency of use and probability of availability.

Subpart D—Safety Equipment

§ 149.401 Applicability.

This subpart prescribes requirements for safety equipment that apply to each deepwater port.

§ 149.402 Equipment not required on a PPC.

Each item of lifesaving and firefighting equipment on a PPC that is not required by this subpart must be approved under 46 CFR, Part 160 or 162.

Curbs, Gutters, Drains, and Reservoirs

§ 149.403 Curbs, gutters, drains, and reservoirs.

Each platform must have enough curbs, gutters, drains, and reservoirs to collect all of the following discharges and wastes in the reservoirs:

(1) All discharges from equipment, maintenance ships, and refueling facilities; and

(2) All laboratory, sanitary, galley, and deck cleansing wastes, and similar wastes.

EMERGENCY POWER

§ 149.411 Emergency power.

(a) Each PPC must have emergency power generating equipment to provide power to operate all of the following at any time:
(1) Emergency lighting circuits.
(2) Aids to navigation equipment.
(3) Communications equipment.
(4) Radar equipment.
(5) Alarm systems.
(6) Sewage treatment equipment.
(7) Electrically operated fire pumps.
(8) Other electrical equipment designated in the Operations Manual by the licensee.

(b) No emergency power generating equipment required by this section may be located in a principal engineering space.

MEANS OF ESCAPE

§ 149.421 Means of escape from platform.

(a) Each platform must have at least one means of escape from the highest working level to the water with an entry at each working level.

(b) Each platform with living spaces must have at least two fixed means of escape from the highest level with living spaces to the water with an entry at each working level.

(c) Each platform must have at least one fixed or unfixed means of escape for every ten persons on board the platform, including the means of escape required under paragraphs (a) and (b) of this section.

(d) When two or more fixed means of escape are installed, at least two must be as far from each other as practicable.

(e) Each fixed means of escape required under this section must be a steel ladder or steel stairway.

(f) Each unfixed means of escape required under this section must be—
(1) A portable ladder;
(2) A flexible ladder; or
(3) A knotted man rope.

§ 149.423 Means of escape from helicopter landing pad.

Each helicopter landing pad on the PPC must have at least two fixed means of escape—

(a) From the pad to the first working level below the pad or the water; and

(b) As far from each other as practicable.

PERSONNEL LANDINGS

§ 149.431 Personnel landings.

Each PPC must have at least two personnel landings for access to the platform from the water unless—

(a) Personnel landings are not possible because of the PPC design; and

(b) The PPC has a personnel basket transfer system.

§ 149.433 Personnel landing illumination.

Each personnel landing must have at least 1 foot-candle of artificial illumination on its guard rails or fence and on its deck.

GUARD RAILS, FENCES, NETS, AND TOEBOARDS

§ 149.441 Open sided deck, deck opening, catwalk, and helicopter pad protection.

(a) Each open sided deck, deck opening, and catwalk on each PPC must have protection that meets the "Safety Requirements for Floor and Wall Openings, Railings, and Toeboards" of the American National Standards Institute (ANSI A12.1–1973), except each must have toeboards.

(b) Each open side of each helicopter landing pad on the PPC must have—
(1) Safety net; or
(2) A lowered walkway that is 48 inches wide, is not more than 42 inches below the level of the pad, and has guard rails that meet the requirements at ANSI A12.1–1973, except each must have toeboards.

FIXED FIRE MAIN SYSTEM FOR WATER

§ 149.451 Fixed fire main system for water.

Each PPC must have a fixed fire main system for water that meets the requirements in §§ 149.453 through 149.477.

§ 149.453 Fire pumps.

(a) Each PPC must have at least two independently driven fire pumps that can deliver two streams of water at a continuous pilot tube pressure of at least 75 p.s.i. at each fire hose nozzle.

(b) Each fire pump must have—
(1) A relief valve on its discharge side that is set to relieve at 25 p.s.i. in excess of the pressure necessary to meet the requirement of paragraph (a) of this section;
(2) A pressure gauge on its discharge side; and
(3) Its own water source.

(c) Fire pumps may only be connected to the fire main system.

§ 149.455 Fire pump location.

(a) No fire pump may be located in the same space as another fire pump.

§ 149.457 Fire hydrants.

(a) Each part of the PPC that is accessible to any person, except machinery spaces, must have enough fire hydrants so that it can be sprayed with at least two spray patterns of water. At least one spray pattern of water must be from one length of hose.

(b) Each PPC must have enough fire hydrants so that each machinery space can be sprayed with at least two spray patterns of water from separate hydrants. Each spray pattern of water must be from one length of hose.

§ 149.459 Fire hydrant outlet.

The outlet on each fire hydrant must not point above the horizontal.

§ 149.461 Fire hydrant and control valve shut-off valve.

Each fire hydrant and control valve must have a shut-off valve.

§ 149.463 Fire hydrant access.

Any equipment that is in the same space as a fire hydrant must not interfere with access to that hydrant.

§ 149.465 Spanner.

Each fire hydrant must have at least one spanner at the fire hydrant.

§ 149.467 Fire hose rack.

(a) Each PPC must have a hose rack at each hydrant.

(b) Each fire hose rack must be visible.

(c) Each fire hose rack in an exposed location must be protected from weather.

§ 149.469 Fire hose size.

Each length of fire hose must—
(a) Be of 1½ or 2½ inch nominal hose size diameter;
(b) Be of 50 foot nominal hose size length; and
(c) Meet Underwriters' Laboratories, Inc., Standard 18 or 19, or Federal specification JJ–H–571B or 22–H–451D.

§ 149.471 Fire hose coupling.

Each fire hose coupling must—
(a) Be made of brass, bronze, or material that has strength and corrosion resistant properties at least equal to those of brass or bronze; and
(b) Have 9 threads per inch for 1½ inch hose or 7½ threads per inch for 2½ inch hose.

§ 149.473 Fire hose nozzle.

Each fire hose nozzle must be a combination solid stream and water spray fire hose nozzle that is approved under 46 CFR 162.027.

§ 149.475 Fire hose in exposed location.

The fire hydrant that is nearest to the edge of each exposed location must have enough lengths of fire hose connected to it to gooseneck over the edge.

§ 149.477 Spray applicator.

Each PPC must have a low velocity spray applicator that is approved under 46 CFR 162.027 at each fire hydrant.

OTHER FIRE EXTINGUISHING SYSTEMS

§ 149.481 Other fire extinguishing systems.

(a) Each PPC must have a automatically operated fire extinguishing system in addition to the fire main system required under § 149.451 that meets the National Fire Protection Association standards listed in paragraph (b) of this section in the following locations:
(1) Dry storage compartments.
(2) Lamp and paint lockers.
(3) Pump rooms.
(4) Machinery spaces.

(b) Each system required under paragraph (a) of this section must be one of the following automatic systems:
(1) Water sprinkle system that meets NFPA No. 13–1973.
(2) Carbon dioxide system that meets NFPA No. 12–1973.
(3) Halogenated agents system that meets NFPA No. 12A–1973.

(4) Foam system that meets NFPA No. 11–1973.

(c) Each system required under paragraph (a) of this section must activate the general alarm system when it operates.

(d) To the extent practicable, materials in each item of equipment required by paragraph (a) of this section must have enough resistance to the adverse effects of the marine environment so that only minimum maintenance is needed to comply with § 150.503 of this subchapter.

§ 149.483 Foam system for helicopter pads.

Tach PPC must have a foam fire extinguishing system on each helicopter landing pad that—

(a) Can deliver at least 200 g.p.m. of foam solution through two 100 g.p.m. nozzles for 15 minutes; and

(b) Does not interfere with any fire hydrant.

FIRE DETECTION AND ALARM SYSTEMS

§ 149.491 Fire detection and alarm system.

(a) Each PPC must have the following fire detection systems that activate the general alarm system:

(1) An ionization type automatic smoke detection system in each sleeping space.

(2) A combination fixed-temperature and rate-of-rise heat detector system in each non-sleeping space that does not have an automatic fire extinguishing system unless the space is subject to a 15°F or greater per minute rate of rise.

(3) A fixed-temperature detector system in each nonsleeping space that does not have an automatic fire extinguishing system and that is subject to a 15°F or greater per minute rate of rise.

(b) To the extent practicable, materials in each item of equipment required by this section must have enough resistance to the adverse effects of the marine environment so that only minimum maintenance is needed to comply with § 150.503 of this subchapter.

§ 149.501 Portable and semiportable fire extinguishers.

(a) Each PPC must have portable or semiportable fire extinguishers that are approved by the Coast Guard under 46 CFR 162.028 or 162. 039.

(b) Each semiportable fire extinguisher must be fitted with hose and nozzle or other apparatus so that the entire space in which the extinguisher is located may be protected.

§ 149.503 Location of extinguishers.

(a) Fire extinguishers must be installed in accordance with Table 145.10(a) in § 145.10 of this chapter.

(b) Each fire extinguisher must be located so it can easily be seen.

§ 149.511 Landing area with no fueling facility.

Each helicopter landing area on the PPC with no fueling facility must have at least two USCG Type B:C, size IV dry chemical extinguishers that are compatible with operation of the foam system required under § 149.483.

§ 149.513 Landing areas with a fueling facility.

Each helicopter landing area on the PPC with a fueling facility must have—

(a) At least two USCG Type B:C, size II dry chemical extinguishers and at least one USCG Type B:C, size V dry chemical extinguisher; and

(b) A USCG Type B:C, size II dry chemical extinguisher at the emergency control station.

LIFESAVING EQUIPMENT

§ 149.521 Lifeboats and inflatable liferafts: general.

(a) Each PPC must have enough lifeboats or inflatable liferafts, or enough of both, for 200% of the personnel capacity of the PPC, except that each PPC must have at least two lifeboats.

(b) Each lifeboat on a platform must be mounted on the outboard side of the platform in a location that is easily accessible to persons onboard and that is as far apart as practicable from each other lifeboat.

(c) No lifeboat and no launching equipment for an inflatable liferaft may be mounted next to a discharge opening on aplatform unless the opening has a baffle or a remotely controlled device to close the opening.

§ 149.522 Lifeboats.

(a) Each lifeboat on a platform must be approved under 46 CFR, Subpart 160.035 and have the equipment required by 46 CFR 94.20–10 for a lifeboat on an ocean and coastwise vessel other than a seagoing barge. Except for boathooks, the equipment must be securely attached to the lifeboat.

(b) Each lifeboat on a platform must be motor propelled and have an installed cover that provides protection from exposure and flash burns during operation of the lifeboat.

§ 149.523 Inflatable liferafts.

Each inflatable liferaft on a platform must be approved under 46 CFR, Subpart 160.051 as an inflatable liferaft intended for an ocean service vessel.

§ 149.524 Launching equipment for lifeboats.

(a) Each PPC must have the following launching equipment for each lifeboat required by § 149.521 of this subpart:

(1) A winch that is approved under 46 CFR, Subpart 160.015 and that has a grooved drum with only one layer of wire.

(2) Mechanical disengaging apparatus that is approved under 46 CFR, Subpart 160.033.

(3) Davits that are approved under 46 CFR, Subpart 160.032.

(4) Load bearing components that meet the requirements in 46 CFR 94.33–5(a), (c), (d), and (e) and 46 CFR 94.33–10.

(b) If a lifeboat is mounted more than 30 feet above mean low water, the launching equipment for the lifeboat must be capable of operation from the lifeboat and from the PPC.

§ 149.525 Launching equipment for inflatable liferafts.

(a) Each PPC must have enough of the following launching equipment for inflatable liferafts to launch all of the liferafts required by § 149.521 of this subpart within 30 minutes:

(1) A winch that is approved by the Commandant.

(2) Mechanical disengaging apparatus that is approved by the Commandant.

(3) Davits that are approved by the Commandant.

(4) Load bearing components that meet the requirements in 46 CFR 94.33–5 (a), (c), (d), and (e) and 46 CFR 94.33–10.

(b) Launching equipment for an inflatable liferaft must be capable of operation from the liferaft and from the PPC.

§ 149.526 Ring life buoys.

(a) Each PPC must have at least 8 ring life buoys and mounting racks.

(b) Each platform must have at least one ring life buoy and mounting rack on each side of the platform.

(c) Each ring life buoy required by this section must be approved under 46 CFR, Subpart 160.050 and must be international orange.

(d) Fifty percent of the ring life buoys required by this section must have an electric water light approved under 46 CFR, Subpart 160.010. Each electric water light must be attached to a buoy by a 3 to 6 foot lanyard.

(e) At least one ring life buoy on each side of each platform must have a buoyant line attached to the buoy that is 1½ times the distance from the buoy to the mean low water line of the platform or 15 fathoms in length, whichever is greater.

(f) Each ring life buoy required by this section must be easily accessible to persons on board.

§ 149.527 Portable radio apparatus.

Each PPC must have portable radio apparatus that meets the requirements in 46 CFR 94.55–1.

§ 149.528 Distress signals.

(a) Each PPC must have 12 handheld, rocket-propelled, parachute, red flare, distress signals that are approved under 46 CFR, Subpart 160.036.

(b) Distress signals required by this section must be stored in portable watertight containers.

§ 149.529 Life preservers.

(a) Each PPC must have enough adult life preservers for 125% of the personnel capacity of the PPC.

(b) Each life preserver must be approved under 46 CFR, Subpart 160.002, 160.005 or 160.055 and must be easily accessible to persons on board the PPC.

§ 149.533 Litters.

Each platform must be equipped with at least one stokes litter that is placed in

a location that is accessible to persons on board.

§ 149.535 Markings on lifeboats, lifeboats, liferafts, paddles, and oars.

(a) Each lifefloat, lifeboat, and liferaft must be marked with—

(1) The identification of the deepwater port; and

(2) The personnel capacity in letters and numbers at least 1½ inch high.

(b) Each inflatable liferaft must be marked as required under 46 CFR 160.051.

(c) Each paddle and each oar must be marked with the identification of the deepwater port.

§ 149.537 Markings for life preservers and ring life buoys.

Each life preserver and each ring life buoy must be marked with the identification of the deepwater port.

§ 149.538 Medical equipment.

(a) Each platform must have a first aid kit that meets the requirements in 46 CFR 160.041.

(b) Each first aid station on a PPC must have enough equipment for the person described in § 150.525 of this subchapter to provide emergency medical care.

§ 149.539 Portable lights.

Each portable light on a PPC must—

(a) Have reflectors and guards that prevent flammable and other material from coming in contact with the bulb; and

(b) Have the U.S. Coast Guard approval label or the Underwriters' Laboratories, Inc. Marine Label.

§ 149.541 General alarm system.

(a) Each PPC must have a general alarm system to signal fires and other emergencies.

(b) Each general alarm system must be—

(1) Capable of being activated by the automatic fire detection systems required under § 149.491 and manually by use of alarm boxes located in accordance with the National Fire Protection Association standard No. 72A–1972;

(2) Audible in all parts of the PPC except in areas of high ambient noise levels where hearing protection is required under § 150.509(d) of this subchapter; and

(3) Visible in areas of the PPC where hearing protection is required under § 150.509(d) of this subchapter by use of a high intensity flashing light.

§ 149.543 Marking of general alarm system.

(a) Each general alarm box must be identified by the words "GENERAL ALARM" in red letters at least one inch high on a yellow background.

(b) Each audio and each visual general alarm signalling device under § 149.541 must have a sign with the words "GENERAL ALARM" in red letters at least one inch high on a yellow background.

§ 149.545 Public address system.

Each PPC must have a public address system operable from two locations on the PPC to allow an announcement of fires, oil transfer system failure or malfunction, and other emergencies.

Subpart E—Aids to Navigation at Deepwater Ports

General

§ 149.701 Applicability.

This subpart prescribes the minimum requirements for aids to navigation at a deepwater port and the waters adjacent to the port.

§ 149.703 Effective intensity: definition.

For the purpose of this subpart, "effective intensity" is the intensity of a flashing light calculated by using equation [3–27] for effective intensity in the Illumination Engineering Society Lighting Handbook, Fifth Edition, 1972, p. 3–36.

§ 149.705 Applicability of other regulations.

Sections 66.01–5, –25 (a) and (c), –50, and –55 of this chapter also apply to aids to navigation at a deepwater port. For the purpose of § 66.01–25 (a) and (c) of this chapter, aids to navigation at a deepwater port are Class I aids to navigation.

Specifications for Lights

§ 149.721 Light source.

Each light must have a tungsten-incandescent light source.

§ 149.723 Intensity.

(a) Each light on a buoy, hose string, and SPM must—

(1) Have at least the effective intensity required by this subpart for the light at all angles, the origin of which is the focal point of the light, that are included within ±1° from the focal plane of the light; and

(2) Have at least 50% of the effective intensity required by this subpart for the light at all angles, the origin of which is the focal point of the light, that are included within ±2° from the focal plane of the light.

(b) Each light on a platform, including the rotating lighted beacon, must—

(1) Have at least the effective intensity required by this subpart for the light at all angles, the origin of which is the focal point of the light, that are included within ±0.5° from the focal plane of the light; and

(2) Have at least 50% of the effective intensity required by this subpart for the light at all angles, the origin of which is the focal point of the light, that are included within ±1° from the focal plane of the light.

§ 149.725 Color.

The transparent cover of each light, including the top of the cover, must be uniform in color.

§ 149.727 Chromaticity.

The color emitted by a light at all angles, the origin of which is the focal point of the light, that are included within ±1° of the focal plane of the light must have chromaticity coordinates lying within the boundary defined by the corner coordinates in Table 1 in this section when plotted on the International Commission on Illumination (CIE) 1931 Standard Observer Diagram.

TABLE 1.—*Chromaticity coordinates*

Color	Chromaticity coordinates	
	x axis	y axis
White	0.285	0.[illegible]
	.453	.440
	.500	.440
	.500	.382
	.440	.382
	.285	.264
Green	.009	.720
	.284	.620
	.307	.397
	.013	.494
Red	.665	.335
	.645	.335
	.680	.320
	.700	.300
Yellow	.560	.440
	.555	.435
	.612	.382
	.618	.382

§ 149.729 Display of information.

(a) The following information must be displayed on each light:

(1) The manufacturer's name and date of manufacture.

(2) The model designation.

(3) The lamp size in amperes and the minimum voltage needed to operate the light in compliance with the intensity requirements in this subpart.

(b) The following information must be displayed on each rotating lighted beacon:

(1) The information prescribed in paragraph (a) of this section.

(2) The operating speed of the rotating apparatus.

(3) The power required to maintain the operating speed.

Obstruction Lights

§ 149.751 Number and location on a platform and SPM.

(a) A platform that is 30 feet or less on any side, or in diameter, must have at least one obstruction light.

(b) An SPM must have at least one obstruction light.

(c) A platform that is more than 30 feet but less than 50 feet on any side, or in diameter, must have at least two obstruction lights that are installed as far apart from each other on the platform as possible.

(d) A platform that is more than 50 feet on any one side must have one obstruction light installed on each corner.

(e) A circular platform that has a diameter of more than 50 feet must have at least 4 obstruction lights that are installed as far apart from each other on the platform as possible.

(f) At least one of the obstruction lights on each platform and SPM must be visible from the water regardless of the angle of approach to the structure.

(g) If a platform or SPM has more than one obstruction light, the lights must all be installed in the same horizontal plane.

(h) Each obstruction light on a platform must be installed at least 20 feet above mean high water.

(i) Each obstruction light on an SPM must be installed at least 10 feet above the water.

§ 149.753 Number and location on a floating hose string.

A floating hose string must have obstruction lights that are—

(a) Installed at equally spaced intervals of not more than 70 feet along the length of the hose string, except that the two sections of hose furthest from the SPM need not have lights; and

(b) Installed all at the same height and at no less than 2 nor more than 5 feet above the surface of the water.

§ 149.755 Characteristics.

(a) Each obstruction light on a platform or SPM must—

(1) Be white; and

(2) Flash 50 to 70 times per minute when operated.

(b) If a platform or SPM has more than one obstruction light, the lights must flash simultaneously.

(c) Each obstruction light on a hose string must—

(1) Be yellow; and

(2) Flash 50 to 70 times per minute when operated.

§ 149.757 Intensity.

(a) Each obstruction light on a platform must have an effective intensity of at least 75 candela.

(b) Each obstruction light on an SPM must have an effective intensity of at least 15 candela.

(c) Each obstruction light on a hose string must have an effective intensity of at least 1 candela.

§ 149.759 Leveling device.

Each obstruction light installed on a platform must have a device permanently attached to the light that facilitates horizontal leveling of the light in two directions 90 degrees apart.

BUOYS

§ 149.773 Characteristics.

Each buoy at a deepwater port must—

(a) Meet the requirements in Subpart 62.25 of this chapter for buoys in United States waters;

(b) Have—

(1) A radar reflector; and

(2) A light installed at least 8 feet above the water.

(c) For each traffic lane, the buoy that is furthest from the safety zone must have a fog signal of a type described in Subpart 62.45 of Part 62 of this chapter.

§ 149.771 Number and location.

Each lateral boundary of a traffic lane at a deepwater port must be marked with buoys that are no more than 5 miles apart.

§ 149.775 Intensity of lights.

(a) Each fixed light on a buoy must have an intensity of at least 75 candela.

(b) Each flashing light on a buoy must have an effective intensity of at least 75 candela.

MISCELLANEOUS

§ 149.791 Identification of a platform and SPM.

(a) Each platform and SPM must display the name of the port, and the name or number or both, identifying the structure so that the information is visible—

(1) From the water at all angles of approach to the structure; and

(2) If the structure is equipped with a helicopter pad, from aircraft on approach to the structure.

(b) The information required in paragraph (a) of this section must be displayed in numbers and letters that are—

(1) At least 12 inches high;

(2) In vertical block style; and

(3) Displayed against a contrasting background.

§ 149.793 Markings for piles and pile clusters.

(a) Each pile and pile cluster that is within 100 yards of a platform or SPM must be marked with white or red retro-reflective tape.

(b) Each pile and pile cluster that is more than 100 yards from a platform or SPM must meet the obstruction lighting requirements in this subpart for a platform.

§ 149.795 Radar Beacon.

The tallest platform must have an FCC accepted radar beacon (RACON) that—

(a) Has a frequency range of 9300–9500 MHz; and

(b) Is installed at a height and location where its signal can be received by a vessel within at least 10 miles of the platform.

§ 149.797 Rotating lighted beacon.

The tallest platform must have a rotating lighted beacon that—

(a) Has an effective intensity of at least 15,000 candela;

(b) Flashes at least once every 20 seconds;

(c) Has a white light;

(d) Has two light beams that are 180° apart;

(e) Is installed at least 60 feet above mean high water;

(f) Operates in wind up to 100 knots at a speed that is within 6% of the operating speed displayed on the beacon; and

(g) Has a device permanently attached to the light that facilitates horizontal leveling of the light in two directions 90 degrees apart.

§ 149.799 Fog signal.

(a) Each PPC must have a Coast Guard approved fog signal that has a 2 mile range.

NOTE: A list of Coast Guard approved fog signals may be obtained from the Commandant.

(b) Each fog signal on a PPC must—

(1) Be installed at least 10 feet but not more than 150 feet above mean high water; and

(2) Be installed where the sound signal is audible in all directions in a horizontal plane at all ranges up to and including a two mile range.

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AUTHORITY: Secs. 10(a), 10(b), Pub. L. 93–627, 88 Stat. 2137–8 (33 U.S.C. 1509 (a), (b))

Subpart A—General

§ 150.101 Applicability.

The rules in this part apply to the operation of each deepwater port.

§ 150.103 Licensee.

No licensee of a deepwater port may cause or authorize operations contrary to the rules in this part. The licensee shall ensure that the port meets the equipment requirements in Part 149 of this subchapter.

§ 150.105 Operations Manual: general.

The licensee of a deepwater port may not operate the port unless the port has an Operations Manual that meets the requirements of this subchapter and the "Guidelines for Preparation of a Deepwater Port Operations Manual."

NOTE: The "Guidelines for Preparation of a Deepwater Port Operations Manual" may be obtained from the Commandant.

§ 150.107 Operations Manual: amendment.

(a) The Captain of the Port may require the licensee to amend the Operations Manual if he finds that the Operations Manual does not meet the requirements of this Subchapter.

(b) When the Captain of the Port determines that an amendment to an Operations Manual is necessary, he notifies the licensee in writing of a date not less than 14 days from the date of the notice, on or before which the licensee must submit written information, views, and arguments on the amendment. After considering all relevant material presented, the Captain of the Port notifies the licensee of any amendment required or he rescinds the notice. The amendment becomes effective not less than 30 days after the licensee receives the notice unless the licensee petitions the Commandant to reconsider the amendment, in which case its effective date is stayed pending a decision by the Commandant. Petitions to the Commandant must be submitted in writing to the Captain of the Port.

(c) If the Captain of the Port finds a situation that requires immediate action to prevent the discharge or risk of discharge of oil or to protect the safety of life and property that makes the procedure in paragraphs (a) and (b) of this section impracticable or contrary to the public interest, he may issue an amendment effective, without stay, on the date the licensee receives notice of it. In such a case, the Captain of the Port includes a brief statement of the reasons for his finding in the notice, and the owner or operator may petition the District Commander, in any manner, to reconsider the amendment.

§ 150.109 Compliance with Operations Manual.

Each licensee shall use and require his personnel to use the procedures in the Operations Manual.

§ 150.111 Operations Manual: changes.

The licensee shall provide a copy of each change to the Operations Manual to the Captain of the Port at least 30 days before implementing the change.

§ 150.113 Deviations.

The Captain of the Port may authorize a deviatio nby means of a change in the Operations Manual, upon request, if he finds that the proposed alternative procedure, method, or equipment would ensure equivalent protection, safety, or quality level.

§ 150.115 Emergency deviations.

In an emergency, for the protection of life or property, or to avoid danger to the environment, any person may deviate from any requirement of deepwater port regulations. As soon as practicable, the person shall report the nature, extent, and duration of each deviation orally or in writing to the Commandant.

§ 150.117 Notification to the District Commander.

(a) At least 30 days before construction of a pipeline, platform, or SPM at a deepwater port begins, the licensee shall give notice of construction in writing to the District Commander.

(b) On the date construction of a pipeline, platform, or SPM at a deepwater port begins, the licensee shall give notice to the District Commander by telegram of the lights and fog signals in use at the construction site.

(c) On the date that construction of a pipeline, platform, or SPM at a deepwater port is completed, the licensee shall give notice to the District Commander in writing of completion and of each obstruction light and fog signal in use on the completed structure.

(d) When lights used during construction of a platform or SPM at a deepwater port are replaced with obstruction lights required by Part 149 of this subchapter, the licensee shall give notice of replacement in writing to the District Commander.

(e) Upon receipt of an American Bureau of Shipping "Interim Class Certificate" for an SPM at a deepwater port, the licensee shall give notice of receipt in writing to the District Commander.

(f) At least 60 days before the first oil transfer operation begins at a deepwater port, the licensee shall give notice of the operation to the District Commander.

§ 150.119 Notification to the Commandant.

Upon receipt of an American Bureau of Shipping "Classification Certificate" for an SPM at a deepwater port, the licensee shall give notice of receipt in writing to the Commandant.

§ 150.121 ABS Classification.

(a) No licensee may operate an SPM unless he has an American Bureau of Shipping (ABS) "Interim Class Certificate" or a "Classification Certificate" for the SPM.

(b) A certificate must classify the SPM and attached hoses.

(c) The licensee shall maintain in class each SPM having a "Classification Certificate."

§ 150.123 Weather monitoring.

The terminal supervisor shall continuously monitor the wind, wave, current, and visibility conditions at the port.

Subpart B—Personnel

§ 150.201 Applicability.

This subpart prescribes personnel qualifications that apply to each deepwater port.

§ 150.203 General.

No licensee may operate a deepwater port unless he has designated English speaking personnel who meet the requirements of this subpart for the following positions:

(a) Terminal Supervisor.
(b) Cargo Transfer Supervisor.
(c) Cargo Transfer Observer.
(d) Vessel Traffic Supervisor.
(e) Mooring Master.
(f) Assistant Mooring Master.

§ 150.204 Definitions.

As used in this subpart—

(a) "License" means a Coast Guard license issued under 46 CFR 10; and

(b) "Licensee" means the licensee of a deepwater port.

§ 150.205 Terminal supervisor.

No person may serve, and the licensee may not use the services of a person, as a terminal supervisor at a deepwater port unless—

(a) He has enough experience at an oil transfer facility to enable the licensee to determine that he is capable of managing the deepwater port;

(b) The licensee determines that he knows—

(1) The hazards of each product to be transferred; and

(2) The port operating procedures described in the Operations Manual; and

(c) The licensee designates that person as terminal supervisor and advises the Captain of the Port in writing of that designation.

§ 150.207 Cargo transfer supervisor.

No person may serve, and the licensee may not use the services of a person, as a cargo transfer supervisor at a deepwater port unless—

(a) He has enough experience in a operating oil transfer equipment to enable the licensee to determine that he is capable of operating the oil transfer equipment of the deepwater port;

(b) He holds a license as chief mate of ocean steam or motor vessels, or as master of a vessel, and has at least one year of experience as a licensed chief mate or master on board a tank vessel;

(c) The licensee determines that he knows—

(1) The rules in Subpart D of this part;

(2) The oil transfer procedures and transfer control systems, in general, of tankers serviced at the facility;

(3) The special handling characteristics of each product to be transferred; and

(4) The procedures described in the Operations Manual for—

(i) Oil transfer;

(ii) Spill prevention, containment, and cleanup;

(iii) Accidents and emergencies; and

(iv) Voice communication; and

(d) The licensee designates that person as cargo transfer supervisor and advises the Captain of the Port in writing of that designation.

§ 150.209 Vessel traffic supervisor.

No person may serve, and the licensee may not use the services of a person, as a vessel traffic supervisor at a deepwater port unless—

(a) He holds a certificate as a radar observer (no limitation as to operation) issued under 46 CFR 10.30–5(c)(1) and has at least 6 months experience as a licensed deck officer on a vessel that has radar;

(b) The licensee determines that he knows—

(1) The procedures for utilizing the port's radar equipment; and

(2) The procedures described in the Operations Manual for—

(i) Vessel control; and

(ii) Voice communications; and

(c) The licensee designates that person as vessel traffic supervisor and advises the Captain of the Port in writing of that designation.

§ 150.211 Mooring master.

No person may serve, and the licensee may not use the services of a person, as a mooring master at a deepwater port unless—

(a) He holds a—

(1) License as master of ocean steam or motor vessels, unlimited tonnage, with a Mooring Master's endorsement for the facility; or

(2) Limited master's license authorizing service on the waters on which the facility is located and with—

(i) First class pilot of steam or motor vessel, unlimited tonnage, endorsement; and

(ii) Endorsement as mooring master for the facility;

(b) The licensee determines that he knows the procedures described in the Operations Manual for—

(1) Vessel control;

(2) Vessel responsibilities;

(3) Spill prevention, containment, and cleanup;

(4) Accidents and emergencies; and

(5) Voice communications; and

(c) The licensee designates that person as mooring master and advises the Captain of the Port in writing of that designation.

§ 150.213 Cargo Transfer Observer.

No person may serve, and the licensee may not use the services of a person, as a cargo transfer observer at a deepwater port unless—

(a) He has the knowledge and experience necessary to operate the oil transfer equipment of a tanker;

(b) He is certificated as a tankerman under 46 CFR 12.20;

(c) The licensee determines that he knows—

(1) The rules in Subpart D of this part;

(2) The oil transfer procedures and transfer control systems, in general, of tankers serviced at the port;

(3) The special handling characteristics of each product to be transferred;

(4) The procedures described in the Operations Manual for—

(i) Oil transfer;

(ii) Spill prevention, containment, and cleanup;

(iii) Accidents and emergencies; and

(iv) Voice communication; and

(d) The licensee designates that person as cargo transfer observer and retains written evidence of that designation at the deepwater port.

§ 150.215 Assistant Mooring Master.

No person may serve, and the licensee may not use the services of a person, as an assistant mooring master at a deepwater port unless—

(a) He holds a license as deck officer on ocean steam or motor vessels, unlimited tonnage;

(b) The licensee determines that he knows the procedures described in the Operations Manual for—

(1) Vessel control;

(2) Spill prevention, containment, and cleanup;

(3) Accidents and emergencies; and

(4) Voice communications; and

(c) The licensee designates that a person as assistant mooring master and retains evidence of that designation at the deepwater port.

§ 150.217 Limitation on Service.

No person may serve in more than one of the following positions at the same time:

(a) Terminal Supervisor.

(b) Cargo Transfer Supervisor.

(c) Cargo Transfer Observer.

(d) Vessel Traffic Supervisor.

(e) Mooring Master.

(f) Assistant Mooring Master.

Subpart C—Vessel Navigation

§ 150.301 Applicability.

This subpart prescribes rules that apply to the navigation of tankers at a deepwater port.

§ 150.303 Definitions.[1]

As used in this subpart—

(a) "Tanker" means a vessel that enters a deepwater port to unload or offload oil at an SPM;

(b) "Traffic separation scheme" (TSS) means the network of traffic lanes and separation zones or lines at a deepwater port;

(c) "Separation zone or line" means a zone or line in the TSS located between two traffic lanes to keep tankers proceeding in opposite directions a safe distance apart;

(d) "Traffic lane" means an area of the TSS in which all tankers ordinarily proceed in the same direction.

§ 150.305 Traffic separation scheme.

No licensee may operate a deepwater port unless the port has a TSS that conforms to Part 1 of the recommendations of the Intergovernmental Maritime Consultative Organization contained in Annex I to IMCO Assembly Resolution A.284 (VIII) of November 20, 1973.

NOTE: A copy of Annex I may be obtained from the Commandant.

§ 150.307 Radar Surveillance.

The vessel traffic supervisor shall maintain radar surveillance of the TSS and safety zone—

(a) Whenever a tanker is proceeding to a traffic lane after submitting the report required in § 150.335 of this subpart; and,

(b) Whenever a tanker is in the TSS or safety zone.

§ 150.309 Advisories to vessels.

(a) The vessel traffic supervisor shall advise the master of each tanker underway in the TSS or safety zone of its position and track at 10 minute intervals.

(b) Whenever the vessel traffic supervisor determines that a vessel may potentially interfere with the movement of a tanker in the TSS or safety zone, he

[1] Section 3(16) of the Act provides that "'safety zone' means the safety zone established around a deepwater port as determined . . . in accordance with section 10(d) of this Act." Section 10(d) further provides that a safety zone is established for the purpose of navigational safety and is to be of an appropriate size that accomplishes this purpose. The Commandant designates the safety zone at each deepwater port.

shall advise the master of the tanker of the following information and shall update the information at times he considers necessary to assist the tanker in navigaiton of the TSS and safety zone:

(1) Position and track of the vessel.

(2) The vessel's speed over the ground.

(3) The closest point of appreach of the vessel to the tanker.

(c) Whenver a tanker enters a traffic lane inbound to the safety zone, the vessel traffic supervisor shall advise the tanker of the position of each other vessel moored, anchored, or underway in the TSS or safety zone.

§ 150.311 Radio listening watch.

Whenever a tanker is in the TSS or safety zone, the vessel traffic supervisor shall continuously monitor the radio frequency designated in the Operations Manual for use by vessels underway at the port except when transmitting on that frequency.

§ 150.313 Clearances.

(a) The vessel traffic supervisor may not clear a tanker to enter a traffic lane unless—

(1) Each other tanker in the traffic lane is at least 5 miles from the entrance to the traffic lane; and

(2) A mooring master is on board.

(b) The vessel traffic supervisor may not clear a tanker to moor at an SPM unless—

(1) There is an SPM berth available and he has assigned that berth to the tanker;

(2) The visibility in the safety zone is at least 2 miles; and

(3) The minimum operating conditions prescribed in the Operations Manual for mooring to an SPM have not been exceeded.

(c) The vessel traffic supervisor may not clear a vessel to depart an SPM unless the visibility is at least 2 miles and a mooring master is on board.

§ 150.331 Master of a tanker.

The master of a tanker in the TSS or safety zone shall operate the vessel in accordance with the rules in §§ 150.333–150.343 of this subpart.

§ 150.333 Advance Notice of Arrival.

(a) The master of a tanker bound for a deepwater po rt shall report the following information to the Captain of the Port and the vessel traffic supervisor of the port at least 24 hours before entering the safety zone at the port:

(1) The name, gross tonnage, and draft of the tanker.

(2) The type and amount of cargo on board.

(3) Any condition on the vessel that may impair its navigation such as fire, defective propulsion machinery, or defective steering equipment.

(4) Any leaks, structural damage, or machinery defects that may impair cargo transfer operations or cause a discharge oif oil.

(b) If the information reported in paragraph (a)(3) or (a)(4) of this section changes at any time before entering the safety zone, or while the tanker is in the safety zone, the master of the tanker shall report the changes to the Captain of the Port and vessel traffic supervisor as soon as possible.

§ 150.335 Report before entering inbound traffic lane.

The master of a tanker bound for a deepwater port shall notify the vessel traffic supervisor of the port when the tanker is 20 miles from the entrance of an inbound traffic lane.

§ 150.337 Vessel clearance.

No tanker may enter a traffic lane, or moor at or depart from an SPM, unless it has obtained clearance to do so from the vessel traffic supervisor.

§ 150.339 Navigation in the TSS and safety zone.

(a) No tanker may enter a traffic lane except at the entrance to the lane.

(b) A tanker proceeding in a traffic lane shall kep the separation zone or line to port.

(c) No tanker may enter or depart a safety zone except via a traffic lane.

(d) No tanker may anchor in the TSS or safety zone, except in an anchorage area.

(e) A tanker in a traffic lane shall keep at least 5 miles behind any other tanker ahead of him in the traffic lane.

(f) No tanker may operate in any area of the TSS or safety zone in which the net under keel clearance of the tanker is less than 5 feet. As used in this paragraph, "Net under keel clearance" means that distance between the ocean bottom and the portion of a tanker's hull closest to the ocean bottom when the tanker is underway or is moored or anchored in other than calm water.

§ 150.341 Mooring Master.

No tanker may be underway in the TSS or safety zone unless a mooring master is on board.

§ 150.343 Radio listening watch.

The master of a tanker in the TSS or safety zone shall continuously monitor the radio frequency designated in the Operations Manual of the port for use by vessels underway at the port except when transmitting on that frequency.

Subpart D—Oil Transfer Operations

§ 150.400 Applicability.

This subpart prescribes rules that apply to the transfer of oil at a deepwater port.

§ 150.403 Definitions.

As used in this subpart—

(a) "Single Point Mooring" (SPM) means an offshore berth which provides a link between the undersea pipeline and a moored vessel for the transfer of oil and to which the vessel can be secured and can weathervane during the oil transfer as dictated by the environment (wind, current, tides, etc.);

(b) "PLEM" means pipeline end manifold at the SPM;

(c) "OTS" means an oil transfer system of a deepwater port and includes the SPM–OTS and the undersea pipeline running from the end of the hose string that connects to the manifold on the vessel to the onshore terminal;

(d) "SPM–OTS" means that portion of an OTS from the PLEM to the end of hose string that connects to the manifold on the vessel; and

(e) "Hose string" (both floating and float/sink type) means that portion of an SPM–OTS consisting of flexible hose which connects the vessel's manifold to the SPM.

§ 150.405 Periodic tests and inspections: OTS components.

No person may transfer oil through an OTS at a deepwater port unless—

(a) The SPM–OTS of the OTS has been tested and inspected as required for maintenance of class in accordance with the Rules for Building and Classing Single Point Moorings published by the American Bureau of Shipping;

(b) Each oil transfer hose in the SPM–OTS of the OTS in which the working pressure recommended by the manufacturer has been exceeded, except when exceeded for testing required by this section, has, since the pressure was exceeded, been—

(1) removed;

(2) hydrostatically tested to 1.5 times its maximum working pressure; and

(3) visually examined externally and internally for evidence of leakage, loose covers, kinks, bulges, soft spots, and gouges, cuts, or slashes that penetrate the hose reinforcement;

(c) Within the 23 months immediately preceding the month during which oil transfer operations are to be conducted, each submarine hose in the SPM–OTS of the OTS has been removed from the ends of each submarine coupling, surfaced, and subjected to external and internal visual examinations for evidence of flaws as described in paragraph (b)(3) of this section and hydrostatically tested to 1.5 times its maximum working pressure; and

(d) Each submarine hose in the SPM–OTS of that OTS has been visually examined externally for evidence of flaws as described in paragraph (b)(3) of this section since the last storm at the deepwater port requiring shutdown of oil transfer operations.

§ 150.407 Periodic tests and inspections: discharge containment equipment.

No person may transfer oil at a deepwater port unless the discharge containment equipment required by § 149.319 of this subchapter is tested and inspected as follows:

(a) Within the five months immediately preceding the month during which the oil transfer operation is conducted at a deepwater port, a visual examination must have been performed to determine whether there existed any conditions which might impair the effectiveness of the equipment in performing its intended function. This visual examination must have included the condition of such items as fabric and fabric coatings, seams and bonding points, metal hardware parts, shackles, fittings, towing and

other lines, cables, flotation devices, inflation mechanisms, and any other components integral to the equipment.

(b) Within the 11 months immediately preceding the month during which the oil transfer operation is conducted at a deepwater port, representative pieces or sections of the containment equipment must have been deployed under simulated discharge conditions and the integrity of equipment strength members, containment skirt, flotation devices, and any other design performance factors of the equipment assessed. Deployment under actual discharge conditions within the time period specified in this subparagraph will satisfy this requirement.

§ 150.409 Periodic tests and inspections: removal material and equipment.

No persons may transfer oil at a deepwater port unless the removal material and equipment required by § 149.319 of this subchapter is tested and inspected as follows:

(a) Within the two months immediately preceding the month during which oil transfer operationes are to be conducted at a deepwater port, any machinery, pumps, hydraulic parts, and other operating features of removal equipment must have been visually examined and operated in accordance with the instructions of the manufacturer for evidence of need or maintenance or repair.

(b) Within the 11 months immediately preceding the month during which oil transfer operations are to be conducted at a deepwater port the removal equipment must have been tested in conjunction with the containment equipment deployment required by § 150.407 (b) of this subpart for evidence of need of maintenance or repair.

§ 150.411 Repair or replacement of equipment.

(a) Whenever a component of an OTS at a deepwater port is found to be inoperative or otherwise defective, the licensee shall replace or repair the component before further oil transfer operations are undertaken using the OTS.

(b) Whenever an item of discharge containment and removal material or equipment required by § 149.319 of this subchapter is found to be inoperative or otherwise defective, the licensee shall replace or repair the component before further oil transfer operations are undertaken.

§ 150.413 Requirements for oil transfer.

No person may transfer oil through an OTS unless—

(a) Before connecting the hose string to the vessel manifold at the start of each oil transfer operation, it is determined by visual examination that the hose string in use for that transfer operation has no leakage, loose covers, kinks, bulges, soft spots, and no gouges, cuts, or slashes that penetrate the hose reinforcement;

(b) During each oil transfer operation, it is determined by visual examination that the hose string in use for that transfer operation has no leakage;

(c) The vessel's mooring attachment to the SPM is strong enough to hold in all expected conditions of surge, current, and weather;

(d) Oil transfer hoses are long enough to allow the vessel to move to the limits of its mooring attachment to the SPM without placing strain on the hoses;

(e) Each oil transfer hose is supported in a manner that prevents strain on its coupling;

(f) Each part of the OTS necessary to allow the flow of oil is lined up for the transfer;

(g) Each part of the OTS not necessary for the transfer operation is securely blanked or shut off;

(h) Except when used to receive or discharge ballast, each overboard discharge or sea suction valve that is connected to the vessel's oil transfer, ballast, or cargo tank systems is sealed, lashed, or locked in the closed position.

(i) Each connection in the OTS meets the requirements of § 150.415 of this subpart;

(j) The discharge containment and removal material and equipment required by § 149.391 of this subchapter is in place;

(k) Each scupper and overboard drain on the vessel is closed and the drain from the drip pan under the vessel manifold leading to the tank is open;

(l) Any continuing loss of oil from the coupling at the vessel manifold does not overflow the drip pan under the manifold;

(m) The communications equipment required by § 149.319 of this subchapter is operative for the transfer operation;

(n) The emergency means of shutdown required by Part 149 of this subchapter is in position and operative;

(o) The cargo transfer supervisor, cargo transfer observer, and any other designated personnel are on duty and present to conduct the transfer operations in accordance with the Operations Manual and with the oil transfer procedures that apply to the vessel during the transfer operation;

(p) The vessel's officer in charge of cargo transfer and the cargo transfer observer have held a conference and each understands the following details of the transfer operations:

(1) The identity of the product to be transferred.

(2) The sequence of transfer operations.

(3) The transfer rate.

(4) The name or title and location of each person participating in the transfer operation.

(5) Particulars of the transferring and receiving systems.

(6) Critical stages of the transfer operation.

(7) Federal regulations that apply to the transfer of oil.

(8) Emergency procedures.

(9) Discharge containment procedures.

(10) Discharge reporting procedures.

(11) Watch or shift arrangement.

(12) Transfer shutdown procedures.

(q) The vessel's officer in charge of cargo transfer and the cargo transfer observer agree to begin the transfer operation;

(r) Between sunset and sunrise the lighting required by Part 149 of this subchapter is provided;

(s) Flame screens are structurally sound and locked in place in all cargo tank vents and ullage holes on the vessel; and

(t) The declaration of inspection required by § 150.417 of this subpart is executed.

§ 150.415 Requirements for connections.

Each temporary connection between the hose string and a vessel manifold must—

(a) Have suitable materials in joints and couplings to make a tight seal;

(b) If using an American National Standards Institute (ANSI) standard flange coupling, have a bolt in at least every other hole of the coupling and in no case less than four bolts;

(c) If using other than an ANSI standard flange coupling, have a bolt in each hole of the coupling; and

(d) Have bolts in each bolted coupling that are all—

(1) The same size;

(2) Tightened so as to uniformally distribute the load around the coupling; and

(3) Free of any signs of strain, elongation, or deterioration.

§ 150.417 Declaration of inspection.

(a) No person may transfer oil at a deepwater port unless a declaration of inspection has been executed before the start of each oil transfer operation by the cargo transfer observer and the vessel's officer in charge of cargo transfer.

(b) The declaration of inspection required by paragraph (a) of this section may be in any form but must contain—

(1) The name of the tanker and berth to which moored;

(2) The date the oil transfer operation will start;

(3) Certification by the cargo transfer observer and the vessel's officer in charge of cargo transfer that the requirements for oil transfer specified in § 150.413 of this subpart, and the pretransfer procedures described in the Operations Manual, have been followed; and

(4) The signatures of the cargo transfer observer and the vessel's officer in charge of cargo transfer.

§ 150.419 Stopping transfer operations.

Before stopping the flow of oil during an oil transfer operation at a deepwater port the cargo transfer supervisor shall advise the vessel's officer in charge of oil transfer of the intent to do so.

§ 150.421 Displacement of oil in an SPM–OTS with water.

The Terminal Supervisor shall displace the oil in an SPM–OTS with water and close the valve at the PLEM whenever—

(a) A vessel is about to depart the SPM and a storm warning has been re-

ceived forecasting weather conditions to occur after the vessel's departure that will exceed the design operating criteria listed in the Operations Manual for the SPM–OTS; or

(b) A vessel is about to depart the SPM because of storm conditions; or

(c) A vessel is about to depart the SPM and the SPM is not scheduled for use in an oil transfer operation within the next 48 hours.

§ 150.423 Limitations.

(a) No person may transfer oil at a deepwater port—

(1) Unless a terminal supervisor is on duty at the port;

(2) During a severe electrical storm in the vicinity of the deepwater port;

(3) During a fire at the deepwater port, receiving terminal on shore, or aboard a vessel berthed at the deepwater port;

(4) Unless there are enough available personnel and equipment at the port to contain and remove a discharge of 10,000 U.S. gallons of oil into the water;

(5) By lighterage unless otherwise authorized by the Captain of the Port; and

(6) Unless the weather conditions at the port meet the operating conditions prescribed in the Operations Manual for transferring oil at the port.

(b) No person may connect or disconnect a hose string unless he is certificated as a tankerman under 46 CFR 12.20.

Subpart E—Operations

§ 150.500 Applicability.

The rules in this subpart apply to operations on each PPC at a deepwater port.

§ 150.503 Maintenance of equipment.

(a) The licensee shall maintain each item of equipment required under this subchapter in operative condition or shall replace it with an item in good condition.

(b) The licensee shall maintain each excess item of equipment required under this subchapter in operative condition, or shall remove it from service.

§ 150.504 Fire main system.

The licensee may use the fire main system only for firefighting and deckwashing.

§ 150.505 Fire pump.

The licensee shall keep at least one of the fire pumps required by this subchapter ready for use on the fire main system at all times.

§ 150.507 Firehose: connection and stowage.

(a) Except as otherwise provided in paragraph (c) of this section, the licensee shall keep at least one length of firehose with a combination nozzle connected to each fire hydrant at all times.

(b) The licensee shall stow each firehose connected to a fire hydrant on a hose rack when not in use.

(c) A firehose in an exposed location may temporarily be removed from an exposed location to protect the firehose from damage during heavy weather.

§ 150.508 Stowage of life saving equipment.

(a) The licensee shall ensure that each inflatable liferaft required by this § 149.521 of this subchapter is stowed as near as practicable to launching equipment for the liferaft.

(b) The licensee shall ensure that each life preserver required by § 149.529 of this subchapter is stowed next to a lifeboat, inflatable liferaft, or means of escape in lockers, boxes, or closets that cannot be locked and that are plainly marked.

§ 150.508a Replacement of distress signals.

The licensee shall ensure that each distress signal required by § 149.528 is replaced no later than three years after the date of its manufacture.

§ 150.508b Lifeboat launching equipment test.

The licensee shall ensure that lifeboat launching equipment required by § 149.524 of this subchapter is tested immediately after installation in accordance with 46 CFR 94.35–5.

§ 150.509 Use of Personal Protection Equipment.

(a) When any person is in a work area, the licensee shall ensure that such person wears:

(1) Safety shoes that meet the specifications prescribed by the American National Standard Institute (ANSI) Requirements for Men's Safety-toe Footware, Z41.1(1967).

(2) Protective hats that meet the specifications prescribed by the ANSI Safety Requirements for Industrial Head Protection, Z89.1(1969).

(b) When an eye hazard from flying particles or heavy dust exists, the licensee shall ensure that each person in the area of the hazard is wearing eye protection equipment that meets the specifications prescribed by the ANSI Practice for Occupational and Educational Eye and Face Protection, Z87.1(1968).

(c) When hazardous work is being performed, the licensee shall ensure that any person who wears corrective eye glasses wear eye protection equipment that can be worn over eye glasses, or prescription ground safety lenses that meet the specifications prescribed by the ANSI Practice for Occupational and Educational Eye and Face Protection, Z87.1 (1968), if these lenses provide protection against the hazard involved.

(d) When any person is exposed to combinations of sound levels and durations exceeding those listed in Table 150.509 of this part, the licensee shall ensure that such person is wearing ear protection equipment that reduces sound levels to the prescribed levels.

(e) When any person is working near the water, the licensee shall ensure that such person wears a unicellular plastic foam work vest that meets the requirements of 46 CFR 160.053.

TABLE 150.509.—*Maximum permissible noise exposures* [1]

Duration per day, hours:	*Sound level* [2] *dBA slow response*
8	90
6	92
4	95
3	97
2	100
1½	102
1	105
½	110
¼	115

[1] When the daily noise exposure is composed of two or more periods of noise exposure of different levels, their combined effect must be considered rather than the individual effect of each. If the sum of the fractions $\left(\frac{C_1}{T_1}+\frac{C_2}{T_2}+\cdots\frac{C_n}{T_n}\right)$ is more than one, then, the mixed exposure exceeds the limit value. (C_n) is the total time of exposure at a specified noise level. (T_n) is the total time of exposure permitted at that level.

Exposure to impulsive or impact noise should not exceed 140 dB peak sound pressure level.

[2] Measured on the A scale of a standard sound level meter at slow response.

§ 150.511 Maintenance of personal protection equipment.

(a) The licensee shall clean and disinfect eye protection equipment that has been used before it is reissued.

(b) The licensee shall clean and disinfect protective hats that have been worn before they are reissued.

§ 150.513 Sanitation.

The licensee shall ensure that garbage is covered and that no person is working in the vicinity of uncovered garbage or of overboard discharges from sanitary lines that are not protected by a baffle or splash boards.

§ 150.515 Refueling for aircraft.

If the PPC is not equipped with a permanent fueling facility for aircraft, no person may fuel or cause or authorize the fueling of aircraft unless he has received the permission of the Captain of the Port.

§ 150.517 Station bill.

(a) The licensee shall post copies of a station bill on each PPC.

(b) The licensee shall designate in writing on the station bill, by title and in order of succession, each person on the PPC who is a person in charge of the PPC for purposes of supervision in an emergency.

(c) The station bill must set forth—

(1) The special duties and duty stations of each person, by name, on the PPC for each emergency listed in the Operations Manual that involves the use or application of equipment required by Part 149 of this subchapter; and

(2) The signals for calling persons to their emergency stations and for abandoning the PPC.

§ 150.519 Emergency drills.

The licensee shall conduct each emergency drill specified in the Operations Manual at least once each month.

§ 150.521 Housekeeping.

(a) The licensee shall keep walking and working areas clear of all loose hazards that could cause tripping or stumbling.

(b) The licensee shall store portable equipment when not in use.

(c) The licensee shall eliminate slippery conditions on the platform as they occur.

(d) No person may suspend a portable light by its cord unless the means of attachment of the cord to the light prevents the light from being suspended by the electrical connections.

(e) The licensee shall keep each area near a lifeboat, inflatable liferaft, or means of escape described in §§ 149.421 and 149.423 of this subchapter clear of obstructions that would interfere with immediate use of the lifeboat, liferaft, or means of escape.

§ 150.523 Illumination.

(a) The licensee shall illuminate each walking and working area.

(b) No person may enter any dark place without a flashlight or other suitable portable light.

(c) No person may use matches or open flame lights as illumination.

§ 150.525 Emergency medical technician.

The licensee shall ensure that at least one person who holds a certificate of completion from a state, or from the National Registry of Emergency Medical Technicians, of the Department of Transportation-National Highway Traffic Safety Administration Basic Training Course (81 hours) for emergency medical technicians is on each PPC at all times.

§ 150.527 First aid station.

A first aid station may not be used for any purpose that prevents its immediate use as a first aid station.

Subpart F—Aids to Navigation at Deepwater Ports

§ 150.601 Applicability.

The rules in this subpart apply to the operation of aids to navigation at a deepwater port.

§ 150.603 Applicability of other regulations.

Section 66.01–20 of this chapter also applies to aids to navigation at a deepwater port.

§ 150.605 Voltage.

The licensee shall maintain the voltage of each light at or above the operating voltage listed on the light.

§ 150.607 Lights.

(a) The licensee shall operate each light from thirty minutes before sunset until thirty minutes after sunrise.

(b) During construction of a platform or SPM, the licensee shall mark the structure with at least one of the following:

(1) The obstruction lights required in Part 149 of this subchapter for the structure;

(2) The fixed lights of a vessel attending the structure; or

(3) General illumination lights on the structure that meet or exceed the intensity requirements for the obstruction lights required in Part 149 of this subchapter for the structure.

(c) The licensee shall ensure that the focal plane of each platform obstruction light when operated, and of the rotating lighted beacon when operated, is always coincident with the horizontal plane passing through the light source.

§ 150.611 Fog Signals.

(a) The licensee shall operate the fog signal on each PPC whenever the visibility in any horizontal direction from the structure is less than 5 miles.

(b) During construction of a platform, compliance with paragraph (a) of this section is not required if the PPC is attended by a vessel moored alongside the platform and the vessel sounds a 2 second whistle blast every 20 seconds whenever the visibility in any horizontal direction from the vessel is less than 5 miles.

Subpart G—Reports and Records

§ 150.701 Applicability.

This subpart applies to the reports required by the Coast Guard to be submitted by the licensee of a deepwater port, and to the records and other information required by the Coast Guard to be maintained by the licensee.

§ 150.702 Definition.

For the purposes of this part, "barrel" means 42 United States gallons at 60 degrees Fahrenheit.

Reports

§ 150.703 Maintenance of ABS Classification.

Whenever the licensee submits a report to the American Bureau of Shipping (ABS) that is required for maintenance of SPM class in accordance with ABS Rules for Building and Classing Single Point Moorings, he shall submit a copy of the report to the Commandant U.S. Coast Guard.

§ 150.705 Report of Discrepancy to Navigational Aid.

The licensee shall submit to the District Commander a report of any discrepancy affecting the proper operation or characteristics of any navigational aid at the deepwater port. The report must be submitted promptly, by the fastest means of communication available, upon determination that a discrepancy exists which cannot be corrected within twelve hours. The report must include—

(a) Name or designation of aid;

(b) Location of aid;

(c) Nature of discrepancy; and

(d) Estimated time of correction.

Correction of the discrepancy must also be reported promptly.

§ 150.707 Report of Oil Throughput; Payment to Deepwater Port Liability Fund.

The licensee shall submit to the District Commander a report of oil cargo throughput of the deepwater port. The report must be submitted on a quarterly basis, beginning on the first day of the calendar quarter immediately following the commencement of oil transfer operations at the port, and must contain the following information—

(a) Oil cargo throughput during previous calendar quarter measured in barrels; and

(b) Calculated payment to the Deepwater Port Liability Fund as required by § 18(f)(3) of the Act. The payment must be enclosed unless the District Commander advises the licensee that collections have been suspended.

§ 150.709 Notice of the Discharge of Oil.

(a) The purpose of this section is to prescribe the manner in which the notice required in § 18(b) of the Act is to be given and to list the government officials to receive that notice.

(b) Any master or person in charge of a vessel in a safety zone, and a deepwater port licensee, shall, when reporting knowledge of a discharge of oil in compliance with § 18(b) of the Act, immediately notify by telephone, radio telecommunication, or a similar means of rapid communication, one of the following persons listed in order of priority;

(1) Duty Officer, National Response Center, U.S. Coast Guard, 400 Seventh Street SW., Washington, D.C. 20590; toll free telephone number 800–424–8802 except for discharges in waters adjacent to Alaska and Hawaii.

(2) Commanding Officer or Officer-in-Charge of any Coast Guard unit in the vicinity of the discharge.

(3) The government official predesignated in the applicable Regional Contingency Plan as the On-Scene Coordinator for the geographic area in which the discharge occurs. Regional Contingency Plans are available at Coast Guard District Offices and Environmental Protection Agency (EPA) Regional Offices, as listed in 33 CFR 153.105.

(4) Commander of the Coast Guard district in which the discharge occurs. States and their corresponding Coast Guard districts are listed in 33 CFR 153.105.

(5) Regional Administrator of the Environmental Protection Agency for the region in which the discharge occurs. States and their corresponding EPA regions are listed in 33 CFR 153.105.

§ 150.711 Casualty or Accident Report.

(a) The licensee shall submit to the Officer-in-Charge, Marine Inspection, having jurisdiction, a report of casualty or accident whenever any of the following occur:

(1) Any component of the deepwater port is hit by a vessel and damage to property is in excess of $1,500.

(2) Damage to the deepwater port in excess of $25,000.

(3) Material damage affecting the usefulness of lifesaving or firefighting equipment.

(4) Loss of life.

(5) Injury causing any person to remain incapacitated for more than 72 hours, arising from or directly connected with the use or employment of any emergency equipment described in Part 149 of this subchapter.

(b) The written report, in narrative form, must contain the following information—

(1) Name, number, or other designation of the deepwater port;

(2) Names and addresses of the owner, his agent (if any), operator (if any), and the person in charge;

(3) Nature and probable cause of the casualty or accident;

(4) Date and time the casualty or accident occurred, if known, otherwise approximately when it occurred;

(5) Details of damage incurred, especially with respect to lifesaving and firefighting equipment;

(6) Nature and extent of injury to any person;

(7) Names and addresses of persons involved; and

(8) Other comments, especially with respect to use or need for emergency equipment.

(c) In the investigations of casualties and accidents occuring at deepwater ports, the procedures in 46 CFR 136 for marine casualties apply, as far as practicable.

§ 150.713 Report of Sabotage or Subversive Activity.

The licensee shall submit to the Captain of the Port, having jurisdiction, a report of sabotage or subversive activity involving or endangering any vessel at the deepwater port, or the deepwater port. The report must be submitted by the fastest possible means of communication immediately upon discovery of evidence of sabotage or subversive activity; written confirmation must follow.

RECORDS

§ 150.751 General.

(a) The licensee shall maintain copies of all reports, records, test and inspection results, and operating data required by these rules in a manner suitable for Coast Guard inspection at the deepwater port or an adjacent onshore facility.

(b) Except as specified in §§ 150.753–150.759 of this subpart, these copies must be maintained for three years.

§ 150.753 Key Personnel; designations and qualifications.

The licensee shall retain documentation of the designation and qualifications of key terminal personnel for the duration of each individual's employment at the port. Such documentation must include—

(a) Designation required by Subpart B of this part; and

(b) Qualifications of personnel required by Subpart B of this part.

§ 150.755 Port Inspection Records.

(a) Machinery Record. The licensee shall maintain a record of all machinery, both fixed and portable, such as generators, cargo pumps, firepumps, and discharge containment and removal systems. This record must contain, for each piece of machinery, the—

(1) Nameplate and general descriptive data;

(2) Serial number;

(3) Location and purpose; and

(4) Record of tests and inspections.

(b) Emergency Equipment Record. The licensee shall maintain a record of all firefighting, lifesaving, and other emergency equipment, such as fire hoses, nozzles, applicators, fire extinguishers, life rafts, life preservers, and alarm systems. This record must contain, for each piece of emergency equipment—

(1) Nameplate (if any) and general descriptive data;

(2) Serial number (if any);

(3) Location and purpose; and

(4) Record of tests and inspections.

(c) Record of Emergency Drills. The licensee shall retain for one year a record of each monthly emergency drill conducted under § 150.519 of this part, containing the date, time, and signature of the person in charge at the time of the drill.

(d) Record of Port Inspections. The licensee shall retain for three years a record of each test and inspection performed by port personnel. The record must include the date and results of the test or inspection and the signature of the person conducting the test or inspection. These tests and inspections include, but are not limited to, those required in Subpart D of this part for oil transfer systems, discharge containment equipment, and discharge removal material and equipment, and those required for maintenance of ABS Classification, as specified in the Rules for Building and Classing Single Point Moorings published by the American Bureau of Shipping.

§ 150.757 Oil Throughput Log.

The licensee shall maintain an Oil Throughput Log, from which the Report of Oil Throughput required by § 150.707 of this subpart is prepared. Records in this log must be retained for three years, and must specify for each oil transfer operation—

(a) Vessel name, nationality, owner, and date of arrival;

(b) Country of origin of crude oil; and

(c) Total quantity of oil transferred in barrels.

§ 150.759 Declaration of Inspection.

The licensee shall retain signed copies of the Declaration of Inspection forms required by § 150.417 for one month from date of signature.

(Secs. 5(a), 5(b), 10(a), 10(b), Pub. L. 93–627, 88 Stat. 2131, 2137, 2138)

Dated: May 2, 1975.

R. I. PRICE,
Rear Admiral, U.S. Coast Guard Chief, Office of Marine Environment and Systems.

Approved:

WILLIAM T. COLEMAN, JR.,
Secretary of Transportation.

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